

CITY OF KEIZER MISSION STATEMENT
KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY
PROVIDING CITY SERVICES TO THE COMMUNITY IN A
COORDINATED, EFFICIENT AND LEAST COST FASHION

AGENDA

URBAN RENEWAL AGENCY OF THE CITY OF KEIZER

Monday, October 16, 1995

6:55 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **PUBLIC TESTIMONY**

This time is provided for citizens to address the Urban Renewal Agency on matters not on the agenda.

4. **ADMINISTRATIVE ACTION**

5. **CONSENT CALENDAR**

- a. Sign Grant Request for Keizer Outdoor Power Equipment
- b. Approval of October 2, 1995 Agency Minutes

6. **OTHER BUSINESS**

This time is provided to allow Urban Renewal Agency members the opportunity to bring matters before the Agency which are not on tonight's agenda.

7. **WRITTEN COMMUNICATIONS**

To inform the Urban Renewal Agency of significant written communications and petitions.

8. **ADJOURN**

Upon request, auxiliary aids and/or special services will be provided to participants with disabilities. To request services, please contact us at 390-3700 at least two working days (48 hours) in advance.

URBAN RENEWAL AGENCY MEETING: Oct. 16, 1995

AGENDA ITEM NUMBER:

TO: MAYOR AND AGENCY BOARD

THROUGH: DOTTY TRYK, *Doty*
CITY MANAGER

FROM: JOHN N. MORGAN, AICP *JN*
COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: SIGN GRANT REQUESTS -
KEIZER OUTDOOR POWER EQUIPMENT

DISCUSSION:

The Agency Board considered this request at its meeting on October 2, 1995. Staff was directed to tell the applicant, Rob Titus, that the Board will consider a scaled-back application.

Mr. Titus has submitted the revised application, a copy of which is attached. The three estimates are all over \$3,500, meaning the \$1,500 maximum grant will be required.

RECOMMENDATION:

It is recommended the Agency Board approve the request for \$1,500.



Keizer Urban Renewal Agency
Sign Code Compliance Grant Program
Grant Application

Address of Sign Location: 120 Chemawa Rd. N.

Sign Owner's Name: Rob Titus

Mailing Address: 120 Chemawa Rd.

City, State, Zip: Keizer, OR 97303

Daytime Telephone: 393 - 6471

Amount of Grant Requested: _____

Required Attachments:

- Detailed Cost Estimate if less than \$500
- Three Detailed Cost Estimates if \$500 or more
- Sign Permit Application with required sign plans

Note: A separate sign permit and grant application are required for each sign to be erected or modified. No sign permit is required for sign removal. In these cases, submit the grant application with the estimates but without a sign permit.



CITY OF KEIZER SIGN PERMIT APPLICATION

A. PERMIT REQUIREMENTS

1. This permit application must be completed and signed by the applicant and property owner.
2. A site plan is required and shall contain the following information:
 - a) A scaled representation of the sign (Please show all of the graphical and lettering elements of the sign, proposed sign colors, sign materials, and any lighting, structural, and mechanical information.
 - b) A drawing of the location of the sign on the building, or a plot plan of the parcel showing the proposed location of the sign on the parcel relative to existing or proposed structures. If there are any existing signs on the property please provide information on the size and location of the existing signs.

**NO SIGN PERMIT APPLICATION WILL BE ACCEPTED
WITHOUT THE REQUIRED SITE PLAN.**

B. APPLICANT AND PROPERTY OWNER INFORMATION

1. Applicant Information

Salem Sign Co.
Name

Salem, OR 97305
City, State, and Zip Code

1825 Front St. NE
Mailing Address

371-6362
Daytime Phone #

2. Property Owner Information

Rob Titus
Name

Keizer, OR 97303
City, State, and Zip Code

120 Chemawa
Mailing Address

393-6471
Daytime Phone #

C. APPLICANT AND PROPERTY OWNER SIGNATURES

I, Salim Gazi Co., agree to install the proposed sign according to the
(applicant or property owner)
submitted site plans and the requirements of the Keizer Zoning Ordinance. All of the
information provided in this application is true to the best of my knowledge.

B. G. S. Gazi
Applicant Signature

on file
Property Owner Signature

Dated this 11 day of October, 19 85

D. SIGN INFORMATION

1. Size of proposed sign in square feet 12' x 2'4" 28.8 sq ft
2. Property / Building Frontage 36.1
(Length of building or space occupied by owner or lessee)
3. Brief description of sign location on building or site off wall sign
on east side of Bldg.
4. Property address where sign is located 120 Chemander RD

FOR OFFICE USE ONLY

DECISION:

☐ Approved

☐ Denied

APPLICABLE FEE: Permit fee based upon sign size as follows:

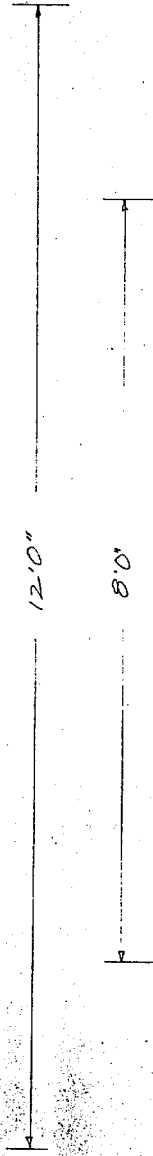
☐ 0 to 35 Sq. Feet\$50.00
☐ 36 to 60 Sq. Feet\$65.00
☐ 61 to 100 Sq. Feet\$80.00
☐ 101 to 150 Sq. Feet\$100.00

Requirements/Comments:

By _____

(Staff Persons Name)

Date _____

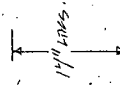


KEIZER OUTDOOR

POWER EQUIPMENT

X 28 SQUARE FEET

1/2 IF INDIVIDUALLY ILLUSTRATED AND ENGRAVED LINES
W/ MOORE ENGRAVING FABRICATED ABOUT PAINT
PAINT WHITE ILLUSTRATE W/ PROPER CUT LATHS 800TH FIVE TO
PER 1/2 WHITE KEIZER SHEET W/ 3/8" COLO TRIM CAP AND
4350-33 LARDERAL RED TRIMMER MATH CONY
SHEET/METAL ENGRAVED FALL ENNAFL. 1952. PAINT BENS.
WALLS ILLUSTRATE W/ ENGLAVE TRIM 15TH 30TH CL. REED
WALLS PADS TO 1/2 1/2" 21-1 1/2" 1/2" 1/2" 1/2" 1/2" 1/2" 1/2"
SALE 1951 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2 1/2
5710 6302 1951 3710 1951 1825 ABOUT 5.11.1951 15-22-95



Proposal

SALEM SIGN CO., INC.
1825 Front Street N.E. • Salem, OR 97303

PHONE (503) 371-6362
FAX 371-0901

PROPOSAL SUBMITTED TO	PHONE	DATE
Keizer Outdoor Power Equipment		10/12/95
STREET	JOB NAME	
120 Chemawa Rd. N.	Same	
CITY, STATE AND ZIP CODE	JOB LOCATION	
Keizer, OR 97303	Same	

We hereby submit specifications and estimates for:

Furnish and install interior illuminated single face sign, per sketch #1562-95

Permits to be an additional charge, time/material.

- ELECTRICAL SERVICE TO SIGN BY OTHERS -

~~We~~ **The Proposal** hereby to furnish material and labor - complete in accordance with above specifications, for the sum of:

Three thousand five hundred forty dollars-----dollars (\$ 3540.00)

Payment to be made as follows:

50% down, balance on completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized
Signature: Bruce Spauld

Note: This proposal may be
withdrawn by us if not accepted within _____ days

Acceptance of Proposal - The above prices, specifications and conditions are satisfactory and are hereby accepted. you are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: _____

If I make default in any of said payments, Salem Sign Co., Inc. shall have the right to take possession of said property without any legal process, and all payments made up to the time of default shall be applied toward manufacture of said property and depreciation in value.

Signature: _____

Signature: _____

Proposal

Page No. / of / Pages

GOWER SIGN CO.

Route 1 Box 3-K
GERVAIS, OREGON 97028
Phone 792-3454

PROPOSAL SUBMITTED TO <i>Kern Outdoor Power Equip</i>	PHONE	DATE <i>127/95</i>
STREET <i>120 Chemawa Rd N</i>	JOB NAME	
CITY, STATE AND ZIP CODE <i>Lebanon, OR. 97303</i>	JOB LOCATION	
ARCHITECT	DATE OF PLANS	JOB PHONE

We hereby submit specifications and estimates for:

Manufacture 1-30 "X 12" single face wall sign

Price includes permit + estimation

3,700

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Three thousand seven hundred dollars (\$ *3700⁰⁰*)

Payment to be made as follows:

1/2 down balance on completion

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature

[Signature]

Note: This proposal may be withdrawn by us if not accepted within *30* days.

Acceptance of Proposal — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance:

Signature

Signature



PROPOSAL SUBMITTED TO:

FILL UP

ADDRESS

120 CHELSEA RD. N.

(503) 265-2784

P.O. Box 1231 • Newport, Oregon 97365

CITY

KELSO

CO.

STATE

ZIP

97303

PAGE

OF

PAGES

FR NUMBER

DATE

2-26-75

PHONE

IS HALSEY SUBMIT SPECIFICATIONS AND ESTIMATE FOR:

MANUFACTURE AND INSTALL 1) 30" x 12' SINGLE FACED
WALL SIGN

3770 00.

POWER CONNECTION BY OTHERS

If material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above contract involving extra costs, will be executed only upon written orders, and will become an extra charge over and above estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workman's Compensation Insurance. A construction loan may be claimed for all labor, or furnishing materials to purchaser pursuant to Oregon Const. Lien Law.

NOTE: This proposal may be withdrawn by us if not accepted within 30 days.

PRICE QUOTATION

b Name: KEZEL, CURTIS R.

Contract Price:

\$41,140.00

E:

1/2 DW / BAIN / DELU.

Estimate:

ACCEPTANCE OF PROPOSAL

The above work to be paid for by me upon due date as per quotation shown herein. All overdue payments shall bear interest at the rate of 1 1/2% per month. In the event of payment default and legal action is required for collection, a reasonable attorney fee and costs shall also be payable.

DATE ACCEPTED

PHONE

BUSINESS FIRM

ACCEPTED BY:

TITLE

OFFICE FILE

CUSTOMER COPY

JOB ORDER

MINUTES
URBAN RENEWAL AGENCY BOARD
OF THE CITY OF KEIZER
Monday, October 2, 1995
Robert L. Simon Council Chambers
Keizer City Hall

CALL TO ORDER

Dennis Koho, Chair called the meeting to order at 6:30 p.m.
Roll call was taken as follows:

Present

Dennis Koho, Chair
Carl Beach
Jim Keller
Bob Newton
Jerry Watson

Absent

Jerry McGee
Al Miller

Staff

Dotty Tryk, City Manager
John Morgan, Community Development Director
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

There was no public testimony to come before the Agency Board.

**ADMINISTRATIVE
ACTION**

Dennis Koho announced recently Tom Bauer had tendered his resignation from the Mayor's Position on the River Road Redevelopment Board. He is recommending the appointment of Velma Tepper to fill this position.

**RIVER ROAD
REDEVELOPMENT
BOARD
APPOINTMENT**

Jim Keller moved to appoint Velma Tepper to the River Road Redevelopment Board to fill the Mayor's position. Bob Newton seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

**RESOLUTION -
ESTABLISHING
PROCESS FOR
REVIEW AND
APPROVAL OF SIGN
GRANT REQUESTS**

John Morgan, Community Development Director reported this resolution outlines the criteria and procedure that will be used by the Community Development Department in reviewing the applications for sign grants.

Bob Newton requested removal of the words "in most cases" from the second paragraph in the Resolution.

Jim Keller noted that the staff would approve the requests, however if there was an unusual circumstance, the request should be forwarded to the Agency Board for approval.

Mr. Morgan added the grant applications will be part of the consent calendar for approval.

Jerry Watson recommended including language in the first section, number 4 to read.... *take the grant request and staff recommendation to the Agency Board for consideration and approval.*

The Council agreed by consensus to change the language as recommended by Jerry Watson and Bob Newton.

Bob Newton moved a Resolution Establishing a Process for Reviewing and Approval of Sign Grants with the amended language. Dennis Koho seconded the Motion.

The Motion passed with the following votes:

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

**CONSENT
CALENDAR**

Items on the consent calendar include:

- a. Sign Grant Requests for Keizer Outdoor Power Equipment, Stretch and Sew Fabrics and Double D Associates
- b. Approval of the August 21, 1995 Agency minutes

Jim Keller requested removal of the sign grant request for Keizer Outdoor Power Equipment.

Dennis Koho moved for approval of the remaining items on the consent calendar. Jim Keller seconded the Motion.
The Motion passed as follows:

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

Jim Keller advised the Board he had received a call from Mr. Titus of Keizer Outdoor Power Equipment in regards to the recommended denial of the grant application for his signs. Mr. Keller questioned if the grant request would still be denied if Mr. Titus had not removed the other signs from his building. Mr. Morgan confirmed the grant would have been approved.

Bob Newton commented this denial is based upon Mr. Titus removing the previous signs in order to change the name of his business. He recommended staff again review this grant request application.

Jerry Watson reminded the board the intent of the sign grant is to gain compliance with the sign code.

Carl Beach stated this application should be treated similar to all other requests even though Mr. Titus used this opportunity to change the name of his business.

Dennis Koho supported returning this application to staff for further review and discussion with Mr. Titus.

Jim Keller reminded the board the sign code was not overly welcomed by the business community in the beginning. He supported assisting this business in purchasing new signs.

Jerry Watson stated this is an incentive program to gain early compliance with the sign code.

Dennis Koho moved to refer this grant application to staff to return with a recommendation for a reduced grant for this business. Jim Keller seconded the Motion.

Carl Beach noted this will delay approval of the grant and he suggested approving the grant of \$1500 at this meeting.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

BUSINESS There was no other business to come before the Agency Board.

IN There was no written communication to come before the
ICATION Agency Board.

THE The meeting was adjourned at 6:48.m.

Tracy L. Davis
City Recorder

ED:
RENEWAL AGENCY BOARD CHAIR

Dennis Koho

MEMBERS:

Jerry Watson

Carl Beach

(absent)

Bob Newton

Al Miller

(absent)

Jim Keller

Jerry McGee

CITY OF KEIZER MISSION STATEMENT

***KEEP CITY GOVERNMENT COSTS AND SERVICES TO A MINIMUM BY PROVIDING CITY SERVICES
TO THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION***

A G E N D A

KEIZER CITY COUNCIL

Monday, October 16, 1995

7:00 p.m.

**Robert L. Simon Council Chambers
Keizer City Hall, Keizer, Oregon 97303**

1. CALL TO ORDER

2. ROLL CALL

3. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on matters not scheduled for public hearing or listed on the agenda.

4. COMMITTEE REPORTS

- a. Planning Commission Appointment**
- b. Claggett Creek Greenway Task Force**

5. PUBLIC HEARINGS

- a. RESOLUTION - Formation of Koufax Lane Street Lighting LID**
ORDINANCE - Spreading Assessments to Koufax Lane Street Light LID

6. ADMINISTRATIVE ACTION

- a. ORDINANCE - Disposition of Unclaimed Property, Firearms & Contraband**

7. CONSENT CALENDAR

- a. RESOLUTION - Initiate Michael's Place Street Lighting District**
- b. Approval of October 2, 1995 Regular Session Minutes**

8. OTHER BUSINESS

This time is provided to allow the Mayor, Council, City Manager and Department Heads an opportunity to bring matters before the Council which are not on tonight's agenda.

- a) Mayor and Council Members
- b) City Manager and Department Heads

9. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications and petitions.

10. EXECUTIVE SESSION

- a. Pursuant to ORS 192.660(1)(e) - discuss real property transaction

11. AGENDA INPUT

NOVEMBER 6, 1995

7:00 p.m. City Council Meeting

- Chemawa Activity Center Plan Public Hearing
- Wheatland/River Road Street Vacation Public Hearing
- HHC, Inc. Liquor License Application Public Hearing

NOVEMBER 13, 1995

5:30 p.m. City Council Work Session

- 911 System Report

NOVEMBER 20, 1995

7:00 p.m. City Council Meeting

12. ADJOURN

CITY COUNCIL MEETING: October 16, 1995

AGENDA ITEM NUMBER: 4a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *TL*
CITY RECORDER

SUBJECT: KEIZER PLANNING COMMISSION APPOINTMENT

ISSUE:

On August 31, 1995, Sam Goesch tendered his resignation from the Keizer Planning Commission. Mr. Goesch was serving a three-year term scheduled to expire on September 30, 1997.

At the October 11, 1995 meeting of the Volunteer Coordinating Committee, four applications were reviewed for recommendations to the City Council. The applicants were Gene Clemens, Louis Newman, Albert (Bill) Pearl and Garry Whalen. The Committee unanimously voted to recommend the appointment of Albert (Bill) Pearl to fill this vacancy on the Commission. Mr. Pearl's application is attached for your information.

RECOMMENDATION:

It is recommended the City Council accept the recommendations of the Volunteer Coordinating Committee and appoint Albert (Bill) Pearl to fill the vacant position on the Keizer Planning Commission.

March 13, 1995

To Whom it May Concern:

I am interested in serving on the Planning Commission.

I retired at age 55 in 1983 and entered the real estate field in Sacramento. I was given the opportunity of working with a land developer and builder. I gained valuable experience in developing a raw piece of land and turning it into saleable finished lots - and from there into homes. I dealt with city and county planning departments working through their development procedures.

I spent eight years in related real estate sales, both commercial and residential.


Albert V. Pearl
6137 Hogan Drive
390-6957

**CITY OF KEIZER
VOLUNTEER APPLICATION FORM**

NAME ALBERT V. PEARL (BILL) DATE 9-1-94
ADDRESS 6137 HOGAN DR N DAY _____
KEIZER OR 97303 PHONE 390-6957
EVENINGS/WEEKENDS _____
PHONE "

PLEASE EXPLAIN WHY YOU WANT TO VOLUNTEER AND WHAT SKILLS YOU COULD BRING
TO THE CITY OF KEIZER? (Clerical, writing, editing, foreign languages, degrees, etc. Please feel
free to attach a resume.)

Number of hours per week you can volunteer: 4 to 8 hours

Day or days of week available: WED AM OR ON CALL

Time of Day available: _____

PLEASE CHECK THE FOLLOWING ACTIVITIES IN WHICH YOU ARE INTERESTED

Budget Committee	_____	Clerical	_____
		Computer Entry	_____
Parks Committee	_____	Research	_____
		Maintenance	_____
Planning Commission	<u>X</u>	Reception	_____
		Landscape	_____
Volunteer Coordinating Comm	_____	Other	_____

List Other: open

EDUCATION BACKGROUND

High School	_____	Date Completed	<u>12 TH GRADE</u>
College	<u>U. C. L. A.</u>	Date Completed	<u>1963</u>

PERSONAL REFERENCE

Name Jerry Mc Pee Telephone 390-2519
Address _____

CURRENT PLACE OF EMPLOYMENT

Employer's Name NONE
Employer's Address and Telephone _____
Your Position _____ Beginning Date _____
May we contact you at work? _____

PREVIOUS VOLUNTEER EXPERIENCE

UCLA FOUNDATION CHILDREN'S FUND
(Volunteer Agency)
Address _____ Telephone _____
Supervisor _____ Duties HELP RAISE MONEY FOR
MEDICAL EQUIPMENT IN CHILDREN'S WING

AUTHORIZATION WAIVER

I HAVE COMPLETED THE ABOVE QUESTIONS AND TO THE BEST OF MY KNOWLEDGE,
WHAT HAS BEEN STATED IS TRUE.

IF APPOINTED TO A VOLUNTEER POSITION, I AGREE TO SERVE WITHOUT
REIMBURSEMENT OF ANY KIND, AND WITH THE UNDERSTANDING AND AGREEMENT THAT
ACCIDENT AND MEDICAL INSURANCE IS NOT PROVIDED BY THE CITY OF KEIZER.

Robert V. Pearl "Reil" 9-4-91
Signature of Applicant Date

PLEASE RETURN COMPLETED APPLICATION TO:

VOLUNTEER COORDINATING COMMITTEE
CITY OF KEIZER
930 CHEMAWA ROAD N.E.
P. O. BOX 21000
KEIZER, OREGON 97307-1000
Telephone: 390-3700
Tracy L. Davis
City Recorder

CITY COUNCIL MEETING: October 16, 1995

AGENDA ITEM NUMBER: 4b

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK *Dotty*
CITY MANAGER

SUBJECT: CLAGGETT CREEK GREENWAY TASK FORCE

BACKGROUND:

Claggett Creek has long been considered a natural resource to the City. There has been an awareness that the ecosystem could be improved for the health and protection of the creek and the enjoyment of the residents.

The Mayor has corresponded with property owners along the creek asking for their participation in creating a plan and several have responded.

The attached task force mission statement will serve as the work plan for a task force to be appointed by the Mayor and Council.

FISCAL IMPACT:

None at this time.

RECOMMENDATION:

It is recommended that the task force mission be approved by motion and the Council make their appointments.

Claggett Creek Greenway Task Force

Mission: To review the current state of Claggett Creek and make recommendations to the Parks Committee and City Council regarding the future of the creek.

To work with property owners, groups such as the McNary High School Science Club and the Friends of Claggett Creek to develop steps toward restoration of the creek and adjacent habitat.

In all deliberations, to seek the opinion and advise of adjacent property owners and to be sensitive to their needs.

To seek ways to improve the creek's ecosystem for the public enjoyment in those areas which are in public ownership.

Membership:

Chair appointed by the Mayor

Two from McNary High School Science Club--1 teacher, 1 student

Three Affected Property Owners

One appointment by each Councilor

TO: MAYOR KOHO AND CITY COUNCIL

FROM: DOTTY TRYK - CITY MANAGER *Dotty*

THROUGH: TRACY L. DAVIS - CITY RECORDER *TH*

SUBJECT: PUBLIC HEARING - To consider remonstrances or objections to formation of the Koufax Lane Street Lighting Local Improvement District and objections to an ordinance spreading assessments to Koufax Lane Street Lighting Local Improvement District

ISSUE

1. Shall the City Council form the Koufax Lane Street Lighting Local Improvement District after conducting a public hearing to receive objections or remonstrances to its formation?
2. Shall the City Council adopt an ordinance spreading assessments in the Koufax Lane Street Lighting Local Improvement District after conducting a public hearing to receive written objections to the ordinance spreading those assessments to the district.

BACKGROUND

In March 1994, the Keizer City Council adopted Ordinance 94-278 relating to formation of street lighting local improvement districts within the City of Keizer.

On August 22, 1995, the residents of the Koufax Lane filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R95-864 on September 5, 1995 to initiate formation of a street lighting local improvement district and directing the City Engineer to make a survey and file a written report with the City Recorder. On October 2, 1995 the City Council approved the City Engineer's report and set a public hearing to consider remonstrances to the project and objections to proposed assessments. On October 5, 1995 notice of the public hearing and intention to form the district and assess for the lighting improvements, as required under Ordinance 94-278, were provided by mail to the property owners.

ANALYSIS

Included within the agenda packet is the proposed resolution forming the Koufax Lane Street Lighting Local Improvement District and setting forth the time and manner of installing the street lights within that district. If the Council decides to form the street lighting district, the next step is to proceed with an ordinance spreading assessments.

Included within the agenda packet is the proposed ordinance to spread assessments to the properties benefited by the lighting district. The ordinance provides for first annual assessments and the procedure for determining second and future annual assessments. Following the City Council's adoption of the Ordinance spreading assessments, the City authorizes the appropriate utility company to install the poles and lights. Depending on the type of poles requested by the City, it takes the utility company from two to six months to have the lights on site and operational.

FISCAL IMPACT

The City initially pays the street lighting expense to the utility company as it is billed throughout the year. The operating cost of the lights is then billed to the property owners on an annual basis, thereby recovering the City's costs for bills paid throughout the year. In addition, the bills include the cost of the City Engineer's Report in the first year, and a 8.5% administrative charge in the first and subsequent years to recover the City's cost for administering the lighting districts. All funds are budgeted through the Utility Fund.

RECOMMENDATION

1. Open the public hearing to first consider oral objections and written remonstrances to formation of the Koufax Lane Street Lighting Local Improvement District.
2. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are presented to the Council at the public hearing, close the hearing and suspend formation of the district for six months.
3. Consider other objections to the formation of the district. The Council may suspend formation of the district without remonstrance of owners of two-thirds (2/3) of the land if the Council deems that action appropriate.
4. If valid remonstrances of the owners of two-thirds of the land to be specially assessed for the lighting district are not presented to the Council at the public hearing, or other valid objections to formation are not presented, then consider objections to the scope, design or equipment proposed for the district.
5. After consideration of objections of the plans for the district, and if it appears that the Council will form the district, Council should next consider written objections to the proposed assessments which were filed with the City.
6. Close the public hearing.
7. Consider adoption of the resolution officially forming the lighting district.
8. If council forms the district, consider adoption of the proposed assessment ordinance. Council may adopt, correct, modify or revise the assessment against each lot in the district according to special and peculiar benefits accruing to the lot.

CITY COUNCIL, CITY OF KEIZER, STATE OF OREGON

Resolution R95-_____

FORMING THE KOUFAX LANE STREET LIGHTING

LOCAL IMPROVEMENT DISTRICT

WHEREAS, the City of Keizer has adopted a Resolution initiating the formation of Koufax Lane Street Lighting Local Improvement District; and

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Koufax Lane Street Lighting Local Improvement District; and

WHEREAS, notice of public hearing to consider formation of street lighting district was mailed as required by Ordinance 94-278; and

WHEREAS, the City Council conducted a public hearing to receive objections and remonstrances to the formation of the street lighting district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that Koufax Lane Street Lighting Local Improvement District is hereby formed, and that the street lights shall be installed within a reasonable time and in the manner set forth in the City Engineer's Report for Koufax Lane Street Lighting Local Improvement District.

PASSED this _____ day of _____, 1995.

SIGNED this _____ day of _____, 1995.

Mayor

City Recorder

A BILL FOR

AN ORDINANCE SPREADING ASSESSMENTS TO
KOUFAX LANE STREET LIGHTING LOCAL
IMPROVEMENT DISTRICT

Section 1. FINDINGS. The City Council of the City of Keizer makes the following

findings:

- a. The City Council did heretofore declare its intention to install street lights to serve an area known as Koufax Lane Street Lighting Local Improvement District which is described as follows:

Koufax Lane (Stone Hedge Estates Annex - 24 lots)
in the NW 1/4 of Section 25, Township 6 South
Range 3 West, W.M. in the City of Keizer, County
of Marion, State of Oregon.

- which includes the installation of seven (7)-100-watt high pressure sodium luminaires mounted on 4-foot long mast arms attached to 25-foot aluminum poles located within the subject local improvement district, all in accordance with the City Engineer's Report for Koufax Lane Street Lighting Local Improvement District.
- b. The total initial cost of the Koufax Lane Street Lighting Local Improvement District is \$1,960.11.
- c. The per space/lot assessment formula was used for this district.
- d. The improvements in the district have been or will be constructed as provided in the Engineer's Report.
- e. Notice was duly mailed to the benefited property owners on October 5, 1995.
- f. A meeting of the City Council was held at the time and place fixed by public notice for the purpose of considering any such written objections to the proposed assessments.

- 1 g. No written objections to the proposed assessments were filed.
- 2 h. The Council has considered the matter and determined that construction of said
- 3 improvements was and is of material benefit to the City, and all the property to be
- 4 assessed therefore will be specially benefitted by the improvements in the amounts
- 5 shown on the assessment roll.

6 NOW, THEREFORE, the City Council of the City of Keizer ordains as follows:

7 Section 2. ASSESSMENTS

- 8 a. First Annual Assessment. It is hereby determined that the share of the cost of the
- 9 improvements for the Koufax Lane Street Lighting Local Improvement District for
- 10 each parcel and property benefitted thereby for the first annual assessment is the
- 11 amount set opposite the description of each piece or parcel of land as described in
- 12 Koufax Lane Street Lighting District Assessment Roll as set forth in Exhibit "A"
- 13 attached, and that each piece or parcel of land benefitted by the improvements, to the
- 14 full extent of the amount so set opposite such piece or parcel and that the respective
- 15 amounts represent the proportionate benefits of said improvements to said respective
- 16 parcels of property, and the Council does hereby declare that each of the parcels of
- 17 property described in Koufax Lane Street Lighting District Roll as set forth in Exhibit
- 18 "A" attached is hereby assessed the first annual assessment amount set opposite each
- 19 respective description.

- 20 i. Summary of first annual assessment costs for formation of the lighting district
- 21 to serve the area known as "Koufax Lane Street Lighting Local Improvement
- 22 District":

23	7 - Poles and Luminaries	\$1,496.88
24	Engineering Costs	\$ 336.00
25	Administrative Fee @ 8.5%	\$ 127.23
26	Total Assessments	\$1,960.11

27

ii. The Recorder of the City of Keizer is hereby directed to send a notice of first annual assessment to each owner of assessed property by mail within ten (10) days after this Ordinance levying the first annual installments is passed. The notice shall include information that an application to make installment payments may be filed with the City if the assessment is collected directly from the property owner and not pursuant to ORS 223.866.

b. Second and Subsequent Annual Assessments. After a municipal lighting district has been formed in accordance with City of Keizer Ordinance 94-278, the second and subsequent annual assessments shall be spread by Resolution which may include changes in the mode of collecting the assessment. The method of assessment and notification for subsequent annual assessments shall be determined in accordance with City of Keizer Ordinance 94-278.

c. Mode of Collecting Assessments. Assessments for Koufax Lane Street Lighting Local Improvement District shall be collected pursuant to ORS 223 866.

d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _____ day of _____, 1995.

SIGNED this _____ day of _____, 1995.

Mayor

City Recorder

PRELIMINARY ASSESSMENT ROLL

KOUFAX LANE
STREET LIGHTING DISTRICT

*Assessors Map 6 3W 25CD

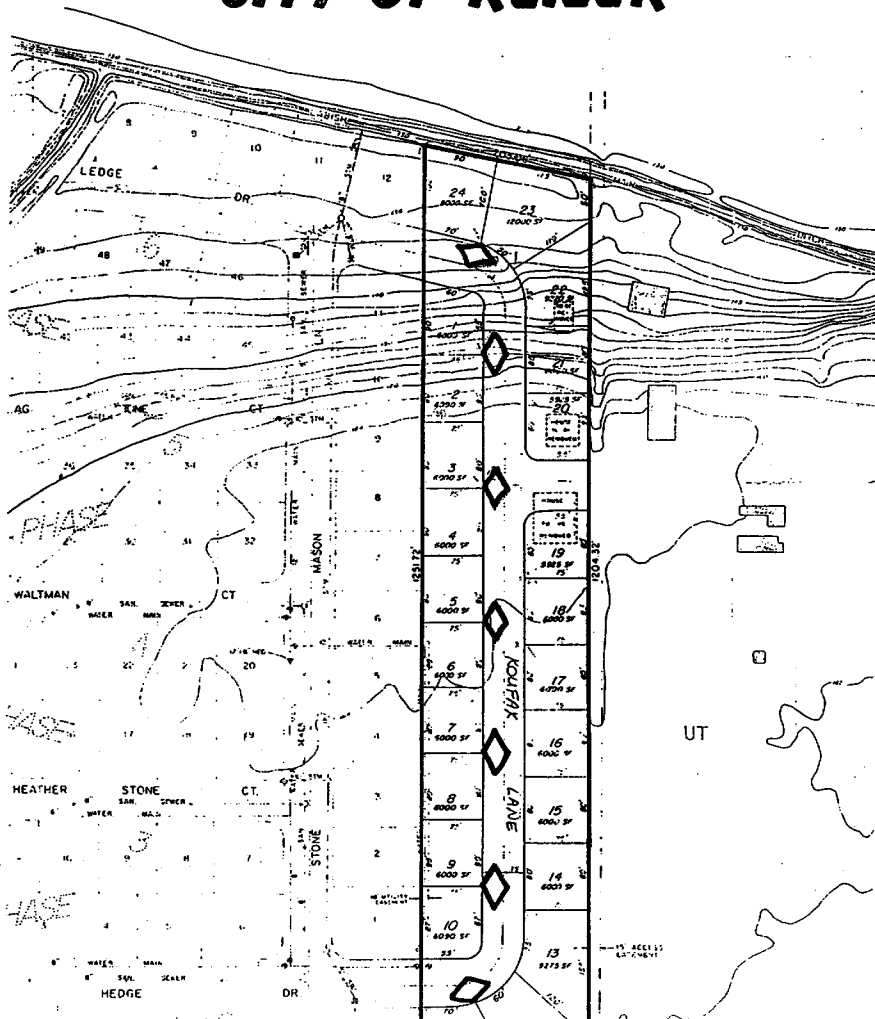
Tax Lot #	Owners Name and Address	Cost/Lot	Lots	Assessment
100	Lackaff, Phillip W. & Caroline J. 2285 Rock Ledge Dr. NE	\$81.67	1	\$81.67
200	Castronovo, Deen J. & Michelle R. 2295 Rock Ledge Dr. NE	\$81.67	1	\$81.67
300	Wintermeyer, Larry G. 6732 Koufax Ln. NE	\$81.67	1	\$81.67
400	Stevens, Timothy M. & Kathryn M. 6712 Koufax Ln. NE	\$81.67	1	\$81.67
500	King, Alan L. & Barbara J. 6682 Koufax Ln. NE	\$81.67	1	\$81.67
600	Shrout, Clay Terry & Betty Jo 6672 Koufax St. NE	\$81.67	1	\$81.67
700	Belcher, Larry D. & Kathryn M. 6632 Koufax Ln. NE	\$81.67	1	\$81.67
800	Kress, Delores J. 6622 Koufax Ln. NE	\$81.67	1	\$81.67
900	Janssen, Jack A. & Judy M. 6612 Koufax Ln. NE	\$81.67	1	\$81.67
1000	Gamaney, Ligoy & Jeri L. 6582 Koufax Ln. NE	\$81.67	1	\$81.67
1100	Scott, Shawn S. & Euch, Susan M.B. 6562 Koufax Ln. NE	\$81.67	1	\$81.67

Tax Lot #	Owners Name and Address	Cost/Lot	Lots	Assessment
1200	Cox, Rickey R. & Susan A. 6542 Koufax Ln. NE	\$81.67	1	\$81.67
1300	Sheldon, Andy D. & Shirley L. 2298 Stone Hedge Dr.	\$81.67	1	\$81.67
1400	Pedersen, Curtis D. & Julie 2288 Stonehedge Dr. NE	\$81.67	1	\$81.67
1500	Palmer, Calvin N. & Tamera A.	\$81.67	1	\$81.67
1600	Oneill, Mark K. & Judy A. 6571 Koufax Ln. NE	\$81.67	1	\$81.67
1700	Christensen, Robert A. & Rebekah 6591 Koufax Ln. NE	\$81.67	1	\$81.67
1800	Sturzinger, Cindy A. 6621 Koufax Ln. NE	\$81.67	1	\$81.67
1900	Diarmit, Teresa A. 6631 Koufax Ln. NE	\$81.67	1	\$81.67
2000	Svay, Sareth & Thach C. 6641 Koufax Ln. NE	\$81.67	1	\$81.67
2100	Ellison, Scott F. & Amy E. 6661 Koufax Ln. NE	\$81.67	1	\$81.67
2200	Fisher, David M. & Deborah K. 6681 Koufax Ln. NE	\$81.67	1	\$81.67
2300	Gleason, Paul D. & Carla J. et al 6691 Koufax Ln. NE	\$81.67	1	\$81.67
2400	Coursey, Rick L. & Oralia Mares- 2284 Rock Ledge Dr. NE	\$81.67	1	\$81.67

TOTAL ASSESSMENT \$1,960.11

STONE HEDGE ESTATES ANNEX

**SEC. 25 T6S R3W W.M.
MARION COUNTY, OREGON
CITY OF KEIZER**



CITY COUNCIL MEETING: October 16, 1995

AGENDA ITEM NUMBER: 6a

TO: MAYOR KOHO AND COUNCIL MEMBERS

THROUGH: DOTTY TRYK, *Dotty*
CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY *EF*

SUBJECT: *REVISED ORDINANCE FOR DISPOSITION*
OF PERSONAL PROPERTY

DATE: October 12, 1995

The City Manager requested our office to revise the current Ordinance that sets forth the procedure for disposition of unclaimed and surplus personal property. One of the reasons for this revision is the number of empty houses the City owns. This includes the house located on the Alder Street property which will be the southeast Keizer park, a house on Rickman Road, and the house located on Chemawa Road on the new location for the Old Keizer School. These structures may be sold or donated and moved to other locations.

Under the current Ordinance, there is little exception to the requirement of an auction, even if the City Council wished to dispose of personal property in another manner. Under certain circumstances, it is more efficient to get quotes from various vendors as to the value of personal property than to conduct an auction.

I have enclosed copies of the current Ordinance, as well as the proposed new Ordinance. The following are the major changes:

- ◆ New Definition for "Nominal Value". The current Ordinance does not define nominal value. The proposed Ordinance has a definition set forth at Section 1(C).
- ◆ Donation of Property with Greater Than Nominal Value. The current Ordinance allows donation of property to a nonprofit organization only if such property is of nominal value. The proposed Ordinance would allow donation of property of more than nominal value, upon approval by the Council.
- ◆ Retention of Unclaimed Property for Keizer's Use. The current Ordinance states that unclaimed property must be disposed of. The proposed Ordinance would allow the City to appropriate unclaimed property for public purposes.

- ◆ Allowance for Use of Property as a Trade-in. The proposed Ordinance adds a provision for using unclaimed or surplus property as a trade-in.
- ◆ Soliciting Quotes as an Alternative to an Auction. The proposed Ordinance adds a provision to allow the property to be sold to a person or organization without the requirement of an auction if approved by the City Council.
- ◆ Minimum Bids Provided. The proposed Ordinance adds a provision that minimum bids may be established at any auction.
- ◆ Disposition of Firearms. The current Ordinance does not allow the police department to use confiscated or unclaimed firearms, and it requires that only seized and contraband firearms be destroyed. The current Ordinance would allow surplus and unclaimed firearms to be sold to a gun dealer. The proposed Ordinance allows appropriation of firearms for use by the police department under certain circumstances, and provides that no firearms would be sold to a gun dealer.

The Ordinance has an emergency clause to allow the City Manager to go forward with negotiations on sale of the houses as indicated previously. Any offers would be subject to the City Council's approval. These houses are considered personal property because they are severed from the real estate, and only the structures themselves are being sold.

RECOMMENDATION:

Staff recommends the proposed Ordinance be adopted.

ESJ/tmh
enclosure

BILL NO.

099

A BILL
FOR

ORDINANCE NO.

88-117

AN ORDINANCE DISPOSING OF UNCLAIMED
PROPERTY, SURPLUS PROPERTY,
FIREARMS AND CONTRABAND; REPEALING
ORDINANCE 85-051; DECLARING
EMERGENCY.

WHEREAS, Oregon law directs the procedures for Keizer to
follow for the Disposition of certain categories of personal
property that come into Keizer's custody; and

WHEREAS, Keizer wants to dispose of certain other personal
property which comes into Keizer's custody; and

WHEREAS, Keizer wants to dispose of personal property owned
by Keizer which is no longer needed for public purposes; Now
therefore,

THE CITY OF KEIZER ORDAINS AS FOLLOWS:

Section 1. Definitions, General Disposition Provisions.

A. Unclaimed personal property is property that has been
in the custody of Keizer for more than 6 months and Keizer has
made a reasonable effort under the circumstances to identify and
notify the owner of the property and ownership of the property
has not been established by the claimant by a preponderance of
the evidence.

B. Keizer personal property is declared surplus personal
property when the department head responsible for control of the
property determines it to be of no use for public purposes and
the City Manager approves that determination.

1 C. Except as otherwise provided in this Section, the
2 Keizer Police Department property controller shall supervise and
3 control disposition of all property subject to the terms of this
4 Ordinance. The Keizer Police Department property controller
5 shall also supervise and control the disposition of property
6 Keizer is required to dispose of under Oregon law.

7 D. Upon recommendation by the Keizer City Manager and
8 approval by the Keizer City Council, unclaimed personal property
9 in Keizer's possession may be appropriated for public purposes by
10 Keizer and not disposed of under the terms of this Ordinance.

11 E. Upon recommendation by the Keizer City Manager and
12 approval by the Keizer City Council, unclaimed personal property
13 which is of nominal value and surplus personal property which is
14 of nominal value may be destroyed.

15 F. Upon recommendation by the Keizer City Manager and
16 approval by the Keizer City Council, unclaimed personal property
17 and surplus personal property may be sold or transferred with or
18 without consideration to any agency of the State of Oregon or any
19 political subdivision thereof authorized by law to enter into
20 public contracts and any public body created by intergovernmental
21 agreement or to the federal government. Any proceeds received by
22 the City under this provision shall go to Keizer's general fund
23 or the appropriate enterprise fund.

24 Section 2. Disposition of Unclaimed Personal Property and
25 Surplus Personal Property.

26 A. Unclaimed personal property of greater than nominal

value and surplus personal property of greater than nominal value which are not disposed of in accordance with other provisions of this Ordinance shall be sold at public auction.

B. The City Manager shall determine when there is a sufficient accumulation of unclaimed and surplus personal property to conduct a public auction. Such auctions shall be conducted at least every six months and shall coincide with property inventories.

C. Auctions will begin at 10:00 a.m. at a designated place within the city limits of Keizer. However, the City Manager may direct in writing that any auction be held outside the city limits and may be held in conjunction with other auctions of public property.

D. When the City Manager determines that a public auction is necessary, the property controller shall:

1. Publish a notice of public auction in a newspaper of general circulation in Keizer at least ten days prior to the date of such auction.

2. Insure that all property shall be available for viewing by prospective buyers on the auction premises at least one-half hour prior to sale time.

3. Property shall be sold to the highest bidder. Payment must be made before the property can be removed. Payment shall be in the form of cash or a first party personal check acceptable to Keizer. A receipt shall be issued for each article purchased.

1 E. All articles sold at auction having a title or
2 registration shall require a Bill of Sale. The Bill of Sale
3 shall be signed by the Keizer Chief of Police.

4 F. Proceeds from such auction shall be used first to pay
5 all storage, maintenance and public notice publication costs.
6 Any proceeds remaining shall go to Keizer's general fund.

7 Section 3. Firearms.

8 A. Firearms which were seized under ORS 166.270 "certain
9 ex-convicts forbidden to possess arms" and not being held as
10 evidence shall be classified as contraband. Firearms seized
11 under ORS 166.280 "seizure of concealed weapons" and not being
12 held as evidence shall be classified as contraband.

13 B. Firearms classified as contraband shall be destroyed
14 annually between July 1st and July 10th. Such firearms shall be
15 destroyed by acetylene torch, arc welder or an automatic sawing
16 device until such firearms are rendered wholly and entirely
17 ineffective and useless for the purpose for which they were
18 manufactured.

19 C. Firearms remaining unclaimed after adjudication despite
20 notification of the owner shall be sold at auction to the highest
21 bidder who must be a federally licensed firearms dealer. Any
22 firearms in Keizer's custody which may be sold by Keizer must be
23 sold only to federally licensed firearms dealers at public
24 auction.

25 D. A court of competent jurisdiction or the District
26 Attorney's office shall advise the property controller when

1 firearms seized as evidence are to be released to a defendant's
2 attorney in lieu of a fee. To be valid, this notification must
3 be received before the firearm is placed for public auction or
4 destroyed.

5 E. Any firearm that Keizer declares to be surplus property
6 may be traded to a federally licensed firearms dealer for other
7 firearms for use by Keizer or the firearms may be disposed of at
8 public auction to the highest bidder who is a federally licensed
9 firearms dealer. Firearms classified as a special weapons may be
10 sold or traded only to federal firearms dealers possessing a
11 class III license or to another law enforcement agency.

12 F. Persons representing themselves as federally licensed
13 firearms dealers shall be required to furnish proof of such a
14 license prior to bidding on any firearms.

15 G. The Alcohol, Tobacco, and Firearms Bureau shall be
16 contacted if there is a question regarding the disposition of
17 firearms, the legitimacy of a firearm dealer's license or the
18 handling of illegal firearms.

19 H. All firearm auctions shall be conducted in accordance
20 with Section 2 of this Ordinance.

21 Section 4. Disposal of Contraband.

22 A. All contraband shall be rendered unusable by
23 destruction in a legally acceptable manner. The destruction of
24 contraband shall be recorded by the property controller and
25 witnessed by a member of the Keizer Police Department.

26 B. Contraband in the form of controlled substances shall

1 also be destroyed in a legally acceptable manner, except when it
2 is authorized by the District Attorney or a court of competent
3 jurisdiction to be used as an investigative tool. In every
4 instance, authorization to use a controlled substance as an
5 investigative tool shall be obtained in writing from the Keizer
6 Chief of Police. All such authorizations shall be in writing and
7 shall accompany the property control report.

8 B. Controlled substances used as an investigative tool
9 shall be returned to the property controller when the specific
10 investigation is completed. The property controller shall again
11 inventory, weigh and verify the substance.

12 Section 5. Repeal

13 Ordinance number 85-051, disposition of unclaimed
14 property, surplus property, firearms and contraband, enacted July
15 15, 1985, is repealed.

16 Section 6. Emergency.

17 This ordinance being necessary for the immediate
18 preservation of the public health, safety, and welfare, an
19 emergency is declared to exist and this ordinance shall take
20 effect immediately upon its passage.

21 PASSED this 20 day of June, 1988.

22 SIGNED this _____ day of _____, 1988.

23
24 _____
Mayor

25
26 _____
City Recorder

824F.24

1 BILL NO. _____

A BILL

ORDINANCE NO.

95-_____

2
3 FOR

4 AN ORDINANCE

5 AN ORDINANCE DISPOSING OF UNCLAIMED
6 PROPERTY, SURPLUS PROPERTY, FIREARMS AND
7 CONTRABAND; REPEALING ORDINANCE 88-117;
8 DECLARING AN EMERGENCY.

9 WHEREAS, from time to time, the City of Keizer has unclaimed property,
10 surplus property, firearms and contraband which it needs to dispose of; and

11 WHEREAS, the City of Keizer desires to create a process which fairly
12 disposes of such property in a manner that best serves the public interests; NOW
13 THEREFORE,

14 The City of Keizer ordains as follows:

15 Section 1. DEFINITIONS.

16 A. Unclaimed personal property. Property that has been in the
17 custody of Keizer for more than six (6) months and is unclaimed or
18 ownership has not been established after the Keizer Police Department
19 has made a reasonable effort to identify and notify the owner of the
20 property. "Unclaimed personal property" does not include firearms or
21 contraband.

22 B. Surplus personal property. Property that the department head
23 responsible for its control determines to be of no further use for public
24 purposes, and the City Manager approves such determination. "Surplus
25 personal property" does not include firearms or contraband.

1 C. Nominal value. Property has nominal value when the value of
2 such property does not exceed the total expenses of its sale as estimated
3 by the City Manager. Before an item of personal property can be
4 determined to have a nominal value, the City Manager must conclude
5 that such property cannot practicably be combined with other properties
6 so that the total value of the properties would exceed the total expenses
7 of sale.

8 Section 2. GENERAL DISPOSITION PROVISIONS. Unless stated
9 otherwise, the following provisions apply to all unclaimed personal property or
10 surplus personal property, whether or not such property is of nominal value:

11 A. Upon recommendation by the Keizer City Manager and approval
12 by the Keizer City Council, unclaimed personal property and surplus
13 personal property may be donated to an organization which has received
14 Internal Revenue Service tax status as a nonprofit organization.

15 B. Upon recommendation by the Keizer City Manager and approval
16 by the Keizer City Council, unclaimed personal property and surplus
17 personal property may be sold or transferred with or without
18 consideration to any agency of the State of Oregon or any political
19 subdivision thereof authorized by law to enter into public contracts and
20 any public body created by intergovernmental agreement or to the federal
21 government.

22 C. Upon recommendation by the Keizer City Manager and approval
23 by the Keizer City Council, unclaimed personal property in Keizer's

1 possession may be appropriated for public purposes by Keizer and not
2 disposed of under the terms of this Ordinance.

3 D. Upon recommendation by the Keizer City Manager and approval
4 by the Keizer City Council, unclaimed or surplus property may be used
5 as a trade-in for credit against other property the City is purchasing.

6 E. Upon recommendation by the Keizer City Manager and approval
7 by the Keizer City Council, unclaimed personal property which is of
8 nominal value and surplus personal property which is of nominal value
9 may be destroyed.

10 Section 3. DISPOSITION OF PERSONAL PROPERTY OF GREATER
11 THAN NOMINAL VALUE. The following provisions apply to unclaimed
12 personal property and surplus personal property of more than nominal value:

13 A. The City Manager, if he or she determines it is in the City's best
14 interests, may determine that unclaimed and/or surplus personal property
15 shall be sold at public auction. Such auction shall be conducted as set
16 forth in Section 4 of this Ordinance.

17 B. As an alternative to a public auction, the City Manager may
18 authorize disposition of unclaimed and surplus personal property through
19 the State of Oregon Surplus Property Program if the City Manager
20 determines that utilizing such program will probably result in a higher net
21 return than if the property were sold at public auction.

22 C. As an alternative to a public auction or disposition through the
23 State of Oregon Surplus Property Program, the City Manager may solicit

1 quotes from persons or organizations for unclaimed and surplus personal
2 property. Upon recommendation of the City Manager and approval by
3 the City Council, the property shall be sold to the person or organization
4 making the best offer. The property shall be delivered to the successful
5 purchaser upon receipt of full payment.

6 Section 4. AUCTION.

7 A. When the City Manager determines that a public auction is
8 necessary, the City Manager shall:

9 i. Cause a notice of public auction to be published in a
10 newspaper of general circulation in Keizer at least ten days prior to
11 the date of such auction. The notice shall include at a minimum a list
12 of the property to be sold, and the time and place where the property
13 can be viewed as well as the time and place of the auction itself.

14 ii. Insure that all property shall be available for viewing by
15 prospective buyers on the auction premises at least one-half hour
16 prior to sale time.

17 iii. Sell the unclaimed and surplus property to the highest
18 bidder. The City Manager may establish minimum bids for any and
19 all items. Items may be grouped for sale as particular lots, if it is in
20 the City's best interest to do so. Payment must be made before the
21 property can be removed. Payment shall be in the form of cash,
22 cashier's check, or money order or first party personal check. A
23 receipt shall be issued for each article purchased.

1 B. All articles sold at auction having a title or registration shall
2 require a Bill of Sale. The Bill of Sale shall be signed by the City
3 Manager.

4 C. The City Manager may hire a public auctioneer that is licensed
5 and bonded to conduct the public auction.

6 Section 5. PROCEEDS. Proceeds from the sale or auction of unclaimed and
7 surplus personal property shall be used first to pay all costs connected with such
8 sale or auction, including, but not limited to, expenses of sale, storage and
9 maintenance costs, and any public notice publication costs. Any proceeds
10 remaining shall go to Keizer's General Fund.

11 Section 6. FIREARMS.

12 A. Firearms which were seized under ORS 166.270 (Certain
13 ex-convicts forbidden to possess arms) and not being held as evidence
14 shall be classified as contraband. Firearms seized under ORS 166.280
15 (Seizure of concealed weapons) and not being held as evidence shall be
16 classified as contraband.

17 B. Except as noted in Section 6C below, firearms classified as
18 contraband shall be destroyed in such a manner that the firearms are
19 rendered wholly and entirely ineffective and useless for the purpose for
20 which they were manufactured.

21 ///

22 ///

23 ///

1 C. Upon the request of the Keizer Police Department and the
2 issuance of a certificate by a judge or district attorney pursuant to ORS
3 166.280, firearms classified as contraband may be preserved and not
4 destroyed.

5 D. Firearms that are surplus, or firearms remaining unclaimed after
6 adjudication despite notification of the owner, shall be either:

7 i. Destroyed in such a manner that the firearms are rendered
8 wholly and entirely ineffective and useless for the purpose for which
9 they were manufactured; or

10 ii. Retained by and kept under the exclusive control of the
11 Keizer Police Department to be used as investigative tools or for
12 display purposes; or

13 iii. Sold or donated to a law enforcement agency, but only if
14 such agency covenants in writing that such firearms shall be
15 destroyed when such agency has no further use for them.

16 Section 7. DISPOSAL OF CONTRABAND.

17 A. As used herein, "contraband" means any personal property
18 (except firearms) which is unlawful to produce or possess, including,
19 without limitation, controlled substances as defined in ORS 475.005 and
20 drug paraphernalia as defined in ORS 475.525.

21 ///

22 ///

23 ///

1 B. All contraband shall be rendered unusable by destruction in a
2 legally acceptable manner. The destruction of contraband shall be
3 recorded by the property controller and witnessed by a member of the
4 Keizer Police Department.

5 C. Contraband in the form of controlled substances shall also be
6 destroyed in a legally acceptable manner, except when it is authorized by
7 the District Attorney or a court of competent jurisdiction to be used as an
8 investigative tool. In every instance, authorization to use a controlled
9 substance as an investigative tool shall be obtained in writing from the
10 Keizer Chief of Police. All such authorizations shall be in writing and
11 shall accompany the property control report.

12 D. Controlled substances used as an investigative tool shall be
13 returned to the property controller when the specific investigation is
14 completed. The property controller shall again inventory, weigh and
15 verify the substance.

16 Section 8. REPEAL.

17 Ordinance number 88-117, Disposition of Unclaimed Property, Surplus
18 Property, Firearms and Contraband, enacted June 20, 1988, is repealed.

19 ///

20 ///

21 ///

22 ///

23 ///

Section 9. EMERGENCY. This Ordinance being necessary for the immediate preservation of the public health, safety, and welfare, an emergency is declared to exist and this Ordinance shall take effect immediately upon its passage.

PASSED this ____ day of _____, 1995.

SIGNED this ____ day of _____, 1995.

Mayor

City Recorder

4402COK.001

COUNCIL MEETING: October 16, 1995

AGENDA ITEM NUMBER: 7a

TO: MAYOR KOHO AND CITY COUNCIL

THROUGH: DOTTY TRYK *dotty*
CITY MANAGER

FROM: TRACY L. DAVIS *tracy*
CITY RECORDER

**SUBJECT: INITIATING MICHAEL'S PLACE STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT**

ISSUE:

Shall the City Council initiate Michael's Place Street Lighting Local Improvement District?

DISCUSSION:

A petition was filed on October 3, 1995 by the developer of this area to form a local improvement district for street lights in Michael's Place subdivision in Keizer. The petition contained the required signatures of the property owner as outlined by City of Keizer Ordinance 94-278.

RECOMMENDATION:

It is recommended that the City Council approve the Resolution initiating Michael's Place Street Lighting Local Improvement District and direct the City Engineer to prepare a survey of the area.

A

Resolution R95-_____

**DECLARING THE CITY'S INTENT TO INITIATE A STREET LIGHTING
LOCAL IMPROVEMENT DISTRICT (MICHAEL'S PLACE) AND
DIRECTING THE CITY ENGINEER TO MAKE A SURVEY AND FILE A
WRITTEN REPORT WITH THE CITY RECORDER**

WHEREAS, the City Council of the City of Keizer has received a petition from the developer and residents to initiate a street lighting district in the Michael's Place subdivision in the City of Keizer, Oregon; and

WHEREAS, pursuant to City of Keizer Ordinance 94-278, the necessary signatures of land owner comprising two-thirds of the property to be included within Michael's Place Street Lighting District have requested the formation of the district; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of Keizer that:

1. The City Council declares its intent to initiate the Michael's Place Street Lighting Local Improvement District;
2. The map attached hereto, marked Exhibit "A", and by this reference incorporated herein sets forth the proposed boundaries of the district;
3. The City Engineer is hereby directed to make a survey of the District;
4. The City Engineer shall file a written report with the City Recorder to be considered by the City Council on November 20, 1995.

PASSED this ____ day of _____, 1995.

SIGNED this ____ day of _____, 1995.

Mayor

City Recorder

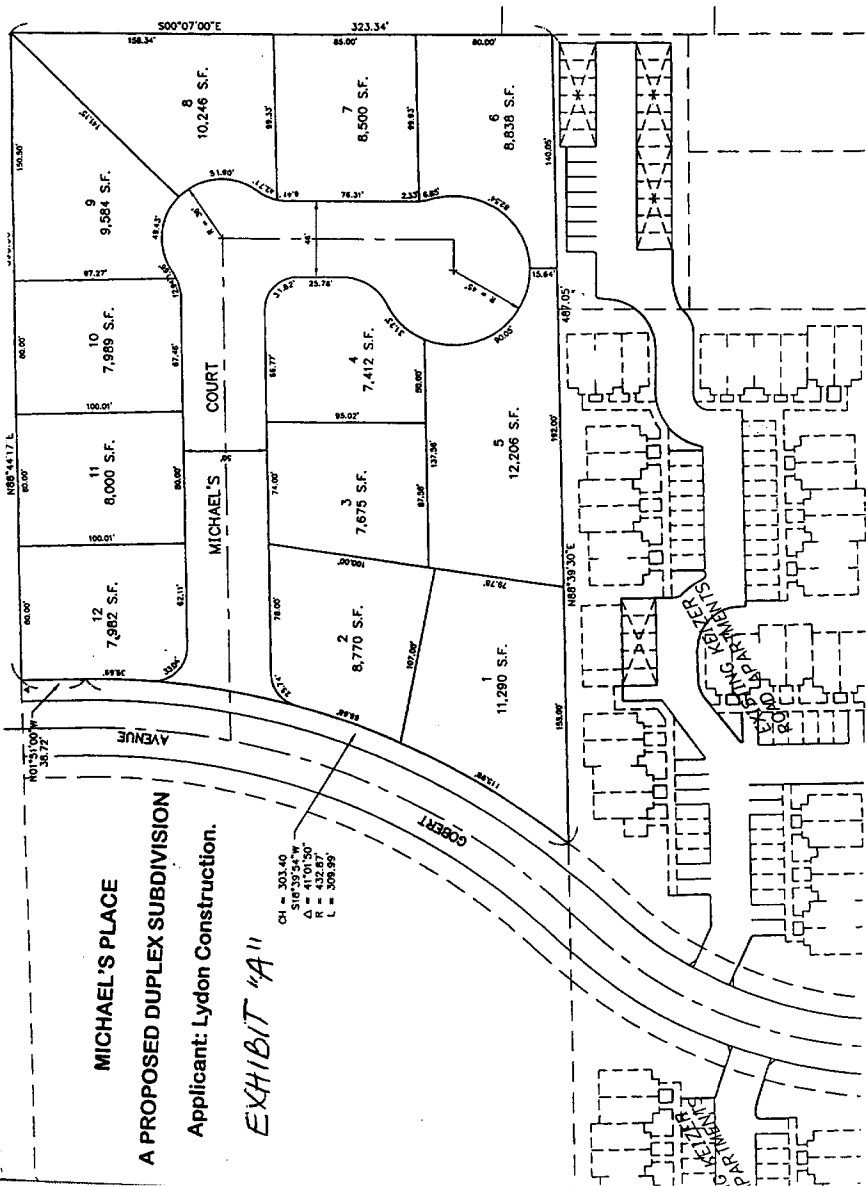
MICHAEL'S PLACE

A PROPOSED DUPLEX SUBDIVISION

Applicant: Lydon Construction.

EXHIBIT "A"

CH = 303.40
 $\Delta = 133.35^\circ$
 $R = 432.87'$
 $L = 309.99'$



MINUTES
KEIZER CITY COUNCIL
Monday, October 2, 1995
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:00 p.m.
Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Bob Newton, Councilor
Jerry Watson, Councilor

Absent:

Jerry McGee, Councilor
Al Miller, Councilor

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Wally Mull, Public Works Director
Charles R. Stull, Chief of Police
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

There was no public testimony to come before the Council.

**COMMITTEE
REPORTS**

**KEIZER POLICE
OFFICER SWEARING IN
CEREMONY**

Charles Stull, Chief of Police introduced the nine new officers which have been hired since July 1, 1995. The following officers were issued the oath of office by City Attorney, Shannon Johnson: Sean C. Hughes, Mindy S. Tucker, Scherise M. Hobbs, Jay D. Prall, Michael T. Bartoldo, Kevin L. Hill, Carrie J. Anderson, Robby A. Nashif and Craig E. Coleman. A certificate was presented to these individuals by Mayor Koho.

The Mayor and Council welcomed these new officers to the City of Keizer.

PUBLIC HEARINGS

TEPPER EAST STREET LIGHTING LOCAL IMPROVEMENT DISTRICT

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager reported a local improvement district was initiated at the request of the developer of the Tepper East subdivision. An engineering report was completed and notice of the public hearing was mailed as required by Ordinance. Ms. Tryk noted she has not received any written remonstrance to this project.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved a Resolution forming the Tepper East Street Lighting Local Improvement District. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

Councilor Keller moved an Ordinance Spreading Assessments to Tepper East Street Lighting Local Improvement District. Councilor Beach seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

ADMINISTRATIVE ACTION

IMPLEMENTATION PLAN FOR NEW POLICING PROGRAM INITIATIVES

Dotty Tryk, City Manager reported the Council requested an implementation plan for new policing program initiatives created by the passage of the levy last March.

Charles Stull, Chief of Police noted with the addition of the nine new officers sworn in at this evenings meeting, there is only one remaining vacancy in the department. He anticipated this vacancy will be filled in the very near future. Chief Stull reviewed the plan outline for training and getting all of the officers out in the community.

Chief Stull also indicated the vacant Community Service Officer positions will be filled shortly and training accomplished prior to the 1st of January, 1996.

In addition, Chief Stull noted the juvenile justice and the narcotics program will be fully staffed and implemented beginning next week. He added he is very pleased with the strategy and feels the plan is very obtainable.

Councilor Keller commended the staff for their work in preparing the report. In response to a question from Councilor Keller, Chief Stull stated the department has discussed different contingencies in the event of any obstacle to the plan. City Manager Tryk added the Council would be informed of any diversion from the plan.

Councilor Watson also commended the staff on the implementation plan. He noted this is an excellent instrument to use for measuring future performances.

Councilor Beach and Mayor Koho also expressed their appreciation for the report.

Councilor Keller moved to accept the implementation plan for new policing program initiatives. Councilor Beach seconded the Motion.

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

CHEMAWA ACTIVITY CENTER BRIEFING

John Morgan, Community Development Director reported the creation of the plan for the Chemawa Activity Center has been an ongoing process for a number of years, however it is nearing the point of final conclusion. Upon completion, it will allow the moratorium on properties in the area to be lifted which will allow property owners the freedom to market their properties and also finalize the Council's expectations for this area.

Mr. Morgan noted a Public Hearing before the Planning Commission will be held on Wednesday, October 11, 1995 at 7:00 p.m. He requested the Council provide input to assist the Planning Commission in their deliberations on this matter. He added this matter should be back before the Council for public hearing on November 6, 1995.

In reviewing the draft plan for the area which was prepared by Kampe and Associates with grant assistance from the Oregon Department of Transportation and Land Conservation and

Development Department, Mr. Morgan noted it explores transportation and finance issues. However, Mr. Morgan stated the report only provides input, it is not recommended for adoption.

Mr. Morgan identified and reviewed the following issues for the Chemawa Activity Center:

- Adopt a land use pattern for the area providing for appropriate commercial, industrial, and residential development which enhances the community.
- Adopt a transportation plan which supports and encourages alternative modes of transportation.
- Adopt a transportation plan which supports the desired land use pattern.
- Adopt a utility plan which provides for adequate sewer and water service levels.
- Adopt design and development standards which help assure the quality of future development and cause it to fit well into the Community.
- Adopt appropriate levels of city review before development can occur, which may be different in different parts of the Activity Center.
- Adopt a financing plan to provide for the installation of the necessary infrastructure.

Mr. Morgan noted since the funding for this project also included Salem's portion of the interchange, the report addresses both areas in the land use recommendations. Part of the recommendation in the plan anticipates the creation of a campus business park zone for the northern part of the area. Mr. Morgan reviewed the other land use recommendations which include a change in the zoning for the interchange area to commercial to focus on hotel/conference/restaurant, zoning the area north of Lockhaven and west of the railroad tracks and the area south of Lockhaven and west of the railroad tracks as mixed-use and the property south of Lockhaven and east of the railroad tracks as commercial and public. Mr. Morgan stated some of these recommendations would include a change in the comprehensive plan designations.

In response to a question from Councilor Beach, Mr. Morgan stated the property north of Tepper Lane is presently designated general industrial. He suggested this area be included in any future infrastructure improvements.

Mr. Morgan examined the transportation recommendations listed in the report. These include:

- construct 4-legged intersection at Radiant and Lockhaven with a new signal;
- construct 4-legged intersection at Chemawa and Lockhaven with a new signal;
- close Ridge Drive's intersection with Lockhaven;
- construct a new street between Ridge Drive north of the Little League field to the intersection of McLeod Lane and Chemawa Road;
- construct a park-n-ride lot at the southern end of the property south of Lockhaven and east of the railroad tracks; construct a high occupancy vehicle on-ramp from the park-n-ride lot to Salem Parkway;
- construct an at-grade pedestrian crossing connecting the park-n-ride lot with the Little League complex.

In response to a question from Councilor Watson, Mr. Morgan stated the distance between the intersections at Radiant Drive and Lockhaven Drive is just about 400 feet. He added during the designing of the intersection at Radiant, moving it easterly should be considered.

Mr. Morgan presented the financing options which were addressed in the report. These include the development of a local improvement district, general obligation bonds, system development charges and transportation impact fees have the highest applicability. In addition a urban renewal and tax increment financing and the possibility of funding from the Oregon Economic Development Program.

Mayor Koho voiced his support for bringing this plan to completion and final conclusion on the direction to proceed. However, he has some concerns with the transportation issues which need to be addressed.

Councilor Watson stated he was pleased with the report which has provided an outside opinion on what could happen with this area. In addition, he recommended the Council move forward with their decisions. Councilor Watson noted he still has concerns with the transportation issues and the taxing implications of the land owned by the BIA.

Mr. Morgan stated Chemawa Indian School adopted a master plan for their property during this process and the land use plan in the report reflects their plan. The triangle parcel has been targeted for commercial development, however their mission states any development of property will be to benefit the educational purpose of the students.

Councilor Newton added he also liked the plan in the short term vision, however the long term vision is lacking. He feels it is important to address the transportation issues such as high speed/commuter rail. As population and development increase in this area it is essential to look at the transportation related issues we will face. In addition, Councilor Newton requested consideration of an exit onto and into the Parkway from the southern end and options for commuter access to downtown Salem.

Councilor Keller stressed the public input process to this plan is essential. Mr. Morgan stated there have been two meetings held at Chemawa Indian School in which all property owners were invited and also the plan and notice of the public hearings was distributed to property owners and interested citizens.

Mayor Koho explained Keizer is third on the list for a potential stop for the high speed rail. He will continue to monitor this situation through the Salem Keizer Area Transportation committee. He suggested scheduling a session with the Planning Commission to discuss all options.

Councilor Beach agreed these are important decisions that should be fully discussed and considered thoroughly.

Presenting testimony to the Council were:

Guy Amico, noted as one of the property owners in this area he is discouraged by the lack of movement in developing this plan. He believes this is a window of opportunity for Keizer to enhance the community. Mr. Amico encouraged the Council to move forward with their decisions.

Josephine Ditchen, stated this proposed development will help increase the tax base for the City.

Mayor Koho concluded the report has some great points and should be used in helping the City proceed with this plan.

**RESOLUTION - FAIR
HOUSING**

John Morgan, Community Development Director reported the Council adopted a Resolution in August, 1995 in which the language pertaining to low income was removed. However, the State Economic Development Department noted this does not meet the federal standards. Therefore, Mr. Morgan recommends the adoption of a Resolution which includes the original wording which references replacement of low income housing.

Mr. Morgan noted 14 loans have been approved under the Community Development Block Grant program. He added the consultant stated the commitment for the full amount of the funds should be reached by the first of the year. However Mr. Morgan said the City will be in a position to get an extension of the grant and possibly approval of another grant for these purposes.

Councilor Watson voiced his concern for the monitoring of these grants. He requested staff prepare a report to assure the Council these funds are being expended properly and how the City monitors the consultants work on these grants. Councilor Watson requested this report be given at the next regular Council meeting.

Mayor Koho moved a Resolution for Residential Anti-Displacement and Relocation Assistance Plan Under Section 1049(D) of the Housing and Community Development Act of 1974, as amended (Repealing 95-858). Councilor Beach seconded the Motion.

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

**ORDINANCE -
PRESERVATION/
REPLACEMENT OF
TREES**

Dotty Tryk, City Manager reported this Ordinance has been revised to include the changes discussed at the last meeting. She recommended adoption of this Ordinance.

Councilor Keller moved a bill for an Ordinance Requiring Preservation of Trees and Landscaping in New Development; Amending Keizer Zoning Ordinance (Ordinance 87-078). Mayor Koho seconded the Motion.

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

**ORDINANCE -
DISPOSITION OF
UNCLAIMED
PROPERTY, FIREARMS,
AND CONTRABAND**

Dotty Tryk, City Manager requested this Ordinance be removed from the agenda and brought back to the next meeting for consideration.

CONSENT CALENDAR

The consent calendar consisted of the following:

- a) RESOLUTION - Certification of Street Lighting Districts
- b) RESOLUTION - Approval of Koufax Lane Street Lighting LID Engineer Report
- c) Initiate Street Vacation Wheatland Road/River Road Intersection
- d) Approval of September 5, 1995 Regular Session Minutes
- e) Approval of September 18, 1995 Regular Session Minutes

Councilor Keller moved for approval of the Consent Calendar.
Councilor Newton seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, Newton and Watson (5)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: McGee and Miller (2)

OTHER BUSINESS

Mayor Koho requested input from the Council on the creation of a task force to investigate the possibility of a Claggett Creek Greenway area.

Councilor Newton requested each Councilor be given an opportunity to appoint an individual to this task force.

Councilor Keller requested a report on the enforcement of the temporary business permit.

City Manager Tryk reported the City does enforce the temporary business permit.

Councilor Keller stated the intent of the permit is to assure temporary businesses are complying with the same regulations as an established business in Keizer.

City Manager Tryk noted she will review the Ordinance to make sure the application includes all provisions.

Councilor Keller requested the Ordinance also be reviewed by the Council.

Councilor Beach commended Kim Krause, Finance Officer for her work in resolving the recent issue with the Internal Revenue Service.

City Manager Tryk announced a joint meeting with the Salem City Council, Marion County Commissioners, Polk County Commissions and the City has been scheduled for Thursday, October 12, 1995 at 5:30 p.m. This meeting is the next step in the SKPAC process to discuss the Willow Lake Wastewater Treatment Plant.

City Manager Tryk also reported the Financial Planning Task Force has been meeting since August and is nearing conclusion on their mission. Mayor Koho stated this is a good group of citizens who have put a lot of time and thought into the future financial vision for Keizer. He invited all members of the Council to attend the last few meetings.

John Morgan, Community Development Director presented a draft of a letter to the Salem-Keizer School Board which resulted from the discussions of the facility draft plan at the last meeting.

Councilor Watson suggested the third and sixth bullet point dealing with the middle school are somewhat contradictory. He requested the third bullet be revised to not fully endorse the proposed location of the middle school. In addition, he requested adding language upon review of the plan, the results be shared with the City of Keizer and the City of Salem. Mr. Morgan suggested the plan be review in conjunction with Keizer and Salem.

The Council agreed by consensus to these changes.

In addition, Mr. Morgan distributed a copy of the request for services for a hearings officer for the City of Keizer. He requested the Mayor appoint a member of the Council to participate in the interview process. Councilor Watson volunteered to sit on the interview panel.

Charles Stull, Chief of Police announced the monthly Chamber of Commerce after hours will be held at the Police Department on Wednesday, October 11, 1995 from 5:00 p.m. to 7:00 p.m.

Wally Mull, Public Works Director updated the Council on the status of the sewer problems on Garden Court. He advised the Council a lawsuit had been initiated against the City of Salem by two of the property owners. The City has met with the attorney representing these property owners and has provided information on this issue. Testing continues to be done by the City on these sewer lines.

Councilor Newton questioned the testing being done by Keizer. He suggested actually doing the testing on the property rather than in the right of way. Mr. Mull noted testing has previously been done on the property. Councilor Newton confirmed there is no immediate danger to the residents.

Councilor Beach inquired of the possibility of being listed as a party in the pending litigation. Mr. Mull stated the sewer lines are owned by the City of Salem and they are responsible for the maintenance. The testing being performed will provide information to Keizer on the water levels and the reasoning behind the sinkage of the street.

Councilor Keller inquired of recent correspondence sent to property owners along Lockhaven. City Manager Tryk stated she will check with the City Engineer to determine what was sent out.

There was no further other business to come before the Council.

WRITTEN COMMUNICATION

Mayor Koho announced he had received a letter from a Japanese City interested in forming a type of cooperative association with the City of Keizer. He will provide copies of this letter to the Council.

There was no other written communication to come before the Council.

AGENDA INPUT

Mayor Koho noted the agenda input items.

ADJOURNMENT

The meeting was adjourned at 8:27 p.m.

Tracy L. Davis
City Recorder

APPROVED:
MAYOR:

Dennis Koho

COUNCIL MEMBERS:

Councilor #1 - Jerry Watson

Councilor #4 - Carl Beach

Councilor #2 - Bob Newton

(absent)
Councilor #5 - Al Miller

Councilor #3 - Jim Keller

(absent)
Councilor #6 - Jerry McGee

Minutes approved:

EXECUTIVE SESSION MATERIAL

CITY COUNCIL MEETING: October 16, 1995

AGENDA ITEM NUMBER: 10a

TO: MAYOR KOHO AND CITY COUNCIL MEMBERS

FROM: DOTTY TRYK
CITY MANAGER

SUBJECT: PROPERTY AT TRAIL AND MANZ ANITA

BACKGROUND:

At your March 10-16
Trail and Manz
the Council did not
The Council did not
surplus and return
neighbors of the po
neighborhood assoc

ing a piece of property at
ne Councilor Watson urged
made to the neighbors.
laring the property
ected to notify the
as sent to the Gubser

Two residents spoke a
property include neigh
property owners express
matter to the Gubser Neig
suggestions on the best wa

on the use of the
vidence from other
or Watson moved to refer the
and wait for a return report with
y may be used. There has been no report to date.

In August, I received an offer on the property from the adjoining property owner for \$19,000 which I rejected because I had no authority to proceed with a sale, pending a neighborhood report.

The Realtor has since spoken to a few Councilors and has requested that you respond to his offer. We still have no input from the property owners.

The original staff report, the minutes of the relevant meetings and the offer are attached.

did not go
to executive
session
JL

FISCAL IMPACT:

Staff estimates the property is worth \$23,700. If the offer is accepted, the sale would generate \$19,000, less costs.

RECOMMENDATION:

It is recommended that the Council review the status of the property and direct the staff in how to proceed.

CITY COUNCIL MEETING: March 6, 1995

AGENDA ITEM NUMBER: 5a

TO: MAYOR AND CITY COUNCIL

THROUGH: DOTTY TRYK *Dotty*
CITY MANAGER

FROM: WALLY G. MULL
PUBLIC WORKS DIRECTOR

SUBJECT: SALE OF CITY REAL PROPERTY
TRAIL AND MANZANITA

ISSUE:

The City considers the sale of this property necessary or convenient because the property has no public use. Sale of the property will allow the City to avoid the costs of maintaining the property and will put the property on the tax rolls.

BACKGROUND:

This piece of property was acquired by the city when land was purchased for the extension of Manzanita between Trail Ave and River Rd. The approximately .21 acres is located north of Manzanita adjacent to the USA gas station. The property is zoned (MU) Mixed Use.

Oregon Revised Statute dictates the process for the sale of real property. ORS 221.725 requires the city to hold a public hearing concerning the sale prior to the sale.

FISCAL IMPACT:

The property was purchased in 1989 @ \$1.84 per square foot. The current estimated appraised value is \$2.50 per square foot, making the value of the property \$23,700.

RECOMMENDATION:

Staff recommends that Council conduct the Public Hearing and direct staff to return at a later date with the appropriate resolutions or executive session to finalize the sale of the real property.

MINUTES

KEIZER CITY COUNCIL
Monday, March 6, 1995
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:04 p.m.
Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Charles R. Stull, Chief of Police
Kim Krause, Finance Director
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

PUBLIC TESTIMONY

There was no public testimony to come before the Council.

Councilor Keller issued a statement of apology to the City Manager and staff for his misunderstanding of discussions with the Keizer Fire District which occurred at the last City Council meeting.

COMMITTEE REPORTS

There were no committee reports to be presented to Council.

PUBLIC HEARINGS

CONSIDERATION OF PROPERTY SALE - TRAIL/MANZANITA

Mayor Koho opened the Public Hearing.

Wally Mull, Public Works Director reported the City acquired this parcel of property in 1989 when the Manzanita Street extension was built. The approximate .21 acres is located north of Manzanita adjacent to the USA gas station. Mr. Mull indicated the only access to the property is from Trail Avenue. The property was purchased for \$1.84 per square foot and now has an assessed value of \$2.50 per foot making a current assessed value of \$23,700. Mr. Mull indicated the sale of this parcel would allow the City to avoid the costs of maintenance.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Watson expressed his concern with the lack of information and conditions for the future development of this parcel. He also cited a lack of notification to the property owners in the area as a concern.

Dotty Tryk, City Manager noted conditions for development could be placed upon the property when advertising.

In response to a question from Councilor McGee, City Attorney Johnson noted any property sales agreement could be discussed in executive session. In addition, Mr. Johnson noted the public hearing to consider sale of the property is required under state law which also requires the notice of the hearing to be published in the Keizer Times.

Councilor Keller stated the property is a place where tires and garbage have been dumped in the past. He would support selling the property for potential development in order to improve the area.

Councilor Patterson supported the sell of this parcel of property and requested a list of other similar properties in the City that should be considered for marketing. He also suggested a public notice be mailed or delivered to the residents of the area.

Councilor Watson urged the Council not to make a determination to consider the property surplus until notice has been issued to the affected residents. He suggested the City should consider maintaining possession of the property for future use as a park or other public development.

Councilor Watson moved to continue the hearing and provide notification to the residents up to 14th Street on Manzanita and along Trail Avenue 500 feet each direction.

The Motion died for a lack of a second.

Councilor McGee moved that staff be instructed to bring back the appropriate Resolution for the sale of this property. Councilor Beach seconded the Motion.

Councilor McGee supported placing this parcel on the tax rolls and releasing the property for other private use.

Mayor Koho shared his concern for the residents of the area as they may be unaware of this hearing or process, however he is in support of the motion.

Councilor Patterson suggested notifying the residents as defined by Councilor Watson.

Councilor Watson strongly believed the Council should not consider moving forward on this issue until the residents are notified.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller and Patterson (6)

NAYS: Watson (1)

ABSTENTIONS: None (0)

ABSENT: None (0)

City Manager Tryk stated the residents will be notified of this matter.

**CONSIDERATION OF
PROPERTY SALE
RIVERCREST-
SHORELINE**

Mayor Koho opened the public hearing.

Wally Mull, Public Works Director reported this piece of landlocked property, located behind the residence at 4215 Shoreline Drive, should be declared surplus due to the lack of public use and maintenance costs. Mr. Mull indicated the assessed value of the land is \$1895.00.

Councilor McGee noted he lives in the area and is familiar with the property. In addition, he advised the Council he had been contacted by the abutting property residents regarding this issue prior to the written request but did not feel he had any potential conflicts with discussing or voting on this issue.

There was no public testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Patterson moved to accept the staff recommendation to declare this parcel surplus property and to return at a later date with the appropriate resolutions to finalize the sale of the real property. Councilor Keller seconded the Motion.

In response to a question from Councilor Watson, Mr. Mull indicated the City acquired the property from the County because of unpaid taxes.

Councilor McGee supported having staff present an inventory of other similar parcels of property owned by the City to determine if they should be surplus and sold.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Patterson and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**RESOLUTION -
FORMATION OF
STICKLES ADDITION
STREET LIGHTING
LID**

**ORDINANCE -
SPREADING
ASSESSMENTS TO
STICKLES ADDITION
LID**

Mayor Koho opened the public hearing.

Dotty Tryk, City Manager noted this is a single-owner development which filed a petition to form a street lighting district for the Stickles Addition subdivision. An engineer's report indicating the location of the lights and the estimated assessments has been previously approved by the Council.

There was no testimony to come before the Council.

Mayor Koho closed the public hearing.

Councilor Keller moved a Resolution Forming Stickles Addition Street Lighting Local Improvement District. Councilor Miller seconded the Motion.

Councilor Miller asked staff to prepare a statistical report on the effectiveness of this Ordinance and forward to the Council for review.

**RESOLUTION -
PROPERTY
SALE/EARNEST
MONEY AGREEMENT
(RIVERCREST /
SHORELINE**

Shannon Johnson, City Attorney reported a public hearing was held on March 6, 1995 regarding the sale of this parcel of city-owned property. An earnest money agreement was prepared and has been signed by Gregory and Nancy Pierce. Mr. Johnson recommended the Council approve the Resolution allowing the City Manager to convey the City owned property to Mr. and Mrs. Pierce.

Mayor Koho moved a Resolution Authorizing the City Manager to Convey City-Owned Property Adjacent to 4215 Shoreline Drive to Gregory and Nancy Pierce. Councilor Miller seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Patterson and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

**RESOLUTION -
AUTHORIZING THE
CITY MANAGER TO
ENTER AGREEMENT
WITH CITY OF
SALEM TO
PURCHASE ORTHO
PHOTOS**

John Morgan, Community Development Director reported the aerial photos presently on file with the City are outdated. He added the City has an unexpected opportunity to participate in purchasing a new set with the City of Salem for a cost of \$49,000. These funds would be split between the design services line item in the Urban Renewal Budget and Master Planning line item in the Street Fund Budget.

Councilor Keller inquired if the photos would improve the flood plain maps. City Manager Tryk noted this will improve the accuracy of the elevations throughout the area. It will also save property owners additional costs in hiring a surveyor to make an accurate determination of the flood plain.

Mayor Koho moved a Resolution Authorizing the City Manager to Contract for Ortho Photos. Councilor Beach seconded the Motion.

MINUTES
KEIZER CITY COUNCIL
Monday, April 17, 1995
Robert L. Simon Council Chambers
Keizer City Hall
Keizer, Oregon

CALL TO ORDER

Mayor Koho called the regular meeting to order at 7:04 p.m.
Roll call was taken as follows:

Present:

Dennis Koho, Mayor
Carl Beach, Councilor
Jim Keller, Councilor
Jerry McGee, Councilor
Al Miller, Councilor
Chet Patterson, Councilor
Jerry Watson, Councilor (departed meeting at 7:50 p.m.)

Staff:

Dotty Tryk, City Manager
John Morgan, Community Development Director
Lt. Pat Bowe, Keizer Police Department
Kim Krause, Finance Director
Wally Mull, Public Works Director
Shannon Johnson, City Attorney
Tracy L. Davis, City Recorder

**PUBLIC
TESTIMONY**

Wayne Fish, 6270 Trail Avenue NE, Keizer requested the City Council reopen the discussions regarding the land declared surplus at the corner of Manzanita and River Road. As a adjacent property owner, Mr. Fish is concerned about the type of development which will take place on this parcel of land. He is concerned for the safety of his children and the other children in the neighborhood. He fears a convenience store could be placed here which would provide liquor sales during the late night hours.

Mr. Fish also voiced his concern for the lack of notification he received that the City was considering selling this parcel of land. He asked this matter be reopened in order to allow the citizens in

this area to voice their concerns or suggestions for usage regarding the parcel. Mr. Fish suggested the property be used for a park and ride or a bus stop.

Dotty Tryk, City Manager noted this matter has been referred to the Gubser Neighborhood Association for their input on the issue. In addition, she added the only action taken by the Council was to declare the property surplus.

Councilor Watson stated he has visited with residents of the neighborhood and they are concerned with this issue. He suggested this matter be discussed further.

Gil Larson, 1740 Manzanita, Keizer testified he is a resident of this area and is also concerned about this property. Mr. Larson cited property access and traffic concerns for this area. He also voiced his concern with the radius used to notify the residents of this issue.

Mayor Koho noted the receipt of letters on this issue also.

Councilor Watson voiced his frustration with the lack of notification prior to the surplus determination and then the content of the notice which was later sent to the property owners. In addition, he felt that there was an insufficient number of people notified.

Councilor Watson moved to refer this matter to the Gubser Neighborhood Association and wait for a return report with suggestions on the best way this property may be used.
Councilor McGee seconded the Motion.

The Motion passed as follows:

AYES: Beach, Keller, Koho, McGee, Miller, Patterson and Watson (7)

NAYS: None (0)

ABSTENTIONS: None (0)

ABSENT: None (0)

There was no further public testimony to come before the Council.

Dated: August 4, 1995

BETWEEN: City of Keizer ("SELLER")
AND Duane W. Van Cleave et al ("BUYER")
Buyer agrees to buy and Seller agrees to sell, on the following terms, the real property
and all improvements thereon (the "Property") commonly known as 9500 SF bare land
contiguous to a service station at 6160 River Rd. N
and located at _____
in the City of Keizer, County of Marion
Oregon legally described as follows: _____

1. **PURCHASE PRICE.** The total purchase price is Nineteen Thousand Dollars
Dollars (\$19,000)

Payable as follows: All cash at closing.
Any earnest money paid to Seller shall be credited against the purchase price.

2. **EARNEST MONEY RECEIPT.** Upon execution of this Agreement, Buyer shall pay _____
One Thousand Dollars (\$1,000) as earnest money
(the "Earnest Money") in the form of ☐ cash or ☐ check or ☒ promissory note. If the
Earnest Money is in the form of a promissory note, it is due and payable: ☐ upon
execution of this Agreement by Buyer and Seller or ☐ upon satisfaction or waiver by
Buyer of the conditions to Buyer's obligation to purchase the Property set forth in this
Agreement or ☐ other: _____

The Earnest Money shall be deposited with ☐
(the "Title Company") at the following branch: _____
or ☐ other: _____

3. **CONDITIONS TO PURCHASE.** Buyer's obligation to purchase the Property is conditioned
on the following: Contingent upon buyer being able to secure approval for all zoning and
other regulatory approvals for the establishment of a totally new combination gas
station/mini store. This would include complete tear down of existing building, removal
of old tanks and installation of new tanks, new awning etc. This business would not be
open 24 hours per day.

and/or Buyer's approval of the results of its property inspection described in Section
4 below. If Buyer has not approved the results of Buyer's property inspection by
written notice given to Seller within 10 days after the Execution Date (defined
below), the Agreement shall be terminated, and the Earnest Money shall be promptly
returned to Buyer.

4. **PROPERTY INSPECTION.** Seller shall permit Buyer and its agents, at Buyer's sole
expense and risk, to enter the Property, at reasonable times after reasonable prior
notice to Seller and after prior notice to the tenants of the Property as required by
the tenants' leases, to conduct inspections, tests, and surveys concerning the
structural condition of the improvements, all mechanical, electrical and plumbing
systems, hazardous materials, pest infestation, soils conditions, wetlands, American
with Disabilities Act compliance, and other matters affecting the suitability of the
Property for Buyer's intended use and/or otherwise reasonably related to the purchase
of the Property. Buyer shall indemnify, hold harmless, and defend Seller from all
liens, costs, and expenses, including reasonable attorneys' fees and experts' fees,
arising from or relating to Buyer's entry on and inspection of the Property. This
agreement to indemnify, hold harmless, and defend Seller shall survive closing or any
termination of this Agreement.

5. **SELLER'S DOCUMENTS.** Within 10 days after the Execution Date, Seller shall
deliver to Buyer, at Buyer's address shown below, legible and complete copies of the
following documents and other items relating to the ownership, operation, and
maintenance of the Property, to the extent now in existence and to the extent such items
are within Seller's possession or control: _____

6. **TITLE INSURANCE.** Within 20 days after the Execution Date, Seller shall
deliver to Buyer a preliminary title report from the Title Company (the "Preliminary
Commitment"), together with complete and legible copies of all documents shown therein
as exceptions to title, showing the status of Seller's title to the Property. Buyer
shall have not less than 10 days after receipt of a copy of the Preliminary
Commitment within which to give notice in writing to Seller of any objection to such
title or to any liens or encumbrances affecting the Property. Within 10 days
after the date of such notice from Buyer, Seller shall give Buyer written notice of
whether it is willing and able to remove the objected-to exceptions. Within 5
days after the date of such notice from Seller, Buyer shall elect whether to purchase
the Property subject to the objected-to exceptions which Seller is not willing or able
to remove or terminate this Agreement. On or before the Closing Date (defined below),
Seller shall remove all exceptions to which Buyer objects and which Seller agrees Seller
is willing and able to remove. All remaining exceptions set forth in the Preliminary
Commitment and agreed to by Buyer shall be "Permitted Exceptions." The title insurance
policy to be delivered by Seller to Buyer at closing shall contain no exceptions other
than the Permitted Exceptions and the usual preprinted exceptions in an owner's standard
form title insurance policy.

7. **DEFAULT REMEDIES.** If the conditions, if any, to Buyer's obligation to close this
transaction are satisfied or waived by Buyer and Buyer nevertheless fails, through no
Buyers Initials DWC
Sellers Initials _____

79 the Earnest Money paid by Buyer. In the event Seller fails, through no fault of Buyer, to close
80 the sale of the Property, Buyer shall be entitled to pursue any remedies available at law or
81 in equity, including without limitation, the remedy of specific performance.

82 8. **CLOSING OF SALE** The sale shall be closed ☒ on or before Sept. 15, 1995
83 or ☐ _____ days after the Execution Date (the "Closing Date") in
84 escrow at the Title Co. The sale shall be "closed" when the document conveying title
85 is recorded and funds are disbursed to Seller. At closing, Buyer and Seller shall
86 deposit with the Title Company all documents and funds required to close the transaction
87 in accordance with the terms of this Agreement. At closing, Seller shall deliver a
88 certification in a form approved by Buyer that Seller is not a "foreign person" as such
89 term is defined in the Internal Revenue Code and the Treasury Regulations promulgated
90 under the Internal Revenue Code. If Seller is a foreign person and this transaction is
91 not otherwise exempt from FIRPTA regulations, the Title Company shall be instructed by
92 the parties to withhold and pay the amount required by law to the Internal Revenue
93 Service. At closing, Seller shall convey fee simple title to the Property to Buyer by
94 ☐ statutory warranty deed or ☐ _____
95 _____ (the "Deed"). If this Agreement provides for the conveyance by Seller of
96 a vendee's interest in the Property by a contract of sale, Seller shall deposit with the
97 Title Company (or other mutually acceptable escrow) the executed and acknowledged Deed,
98 together with written instructions to deliver such deed to Buyer upon payment in full
99 of the purchase price. At closing, Seller shall pay for and deliver to Buyer a standard
100 form owner's policy of title insurance in the amount of the purchase price insuring fee
101 simple title to the Property in Buyer subject only to the Permitted Exceptions and the
102 standard preprinted exceptions in a standard form policy.

103 9. **CLOSING COSTS: PRORATES** Unless otherwise provided in a separate written agreement, the
104 real estate commission is due on the Closing Date or upon Seller's breach of this Agreement,
105 whichever occurs first. Seller shall pay the premium for the title insurance policy which
106 Seller is required to deliver pursuant to the above paragraph. Seller and Buyer shall each pay
107 one-half of the escrow fees charged by the Title Company, any excise tax, and any transfer tax.
108 Real property taxes for the tax year in which the transaction is closed, assessments (if a
109 Permitted Exception), personal property taxes, rents on existing tenancies paid for the month
110 of closing, interest on assumed obligations, and utilities shall be prorated as of the Closing
111 Date. Prepaid rents, security deposits, and other unearned refundable deposits regarding the
112 tenancies shall be assigned and delivered to Buyer at closing. The Property ☐ does ☐ does not
113 qualify for a special tax assessment or deferral program as follows: _____
114 _____

115 ☒ Seller ☐ Buyer ☐ N/A shall be responsible for payment of all taxes, interest, and
116 penalties, if any, upon removal of the Property from such special assessment or program.

117 10. **POSSESSION**. Buyer shall be entitled to exclusive possession of the Property,
118 subject to tenancies existing as of the Closing Date, ☐ on the Closing Date or ☐ _____
119 _____

120 11. **CONDITION OF PROPERTY**. Seller represents that, to the best of Seller's knowledge, there
121 are no pending or threatened notices of violation of any laws, codes, rules, or regulations
122 applicable to the Property ("Laws"), and Seller is not aware of any such violations or any
123 concealed material defects in the Property. Risk of loss or damage to the Property shall be
124 Seller's until closing and Buyer's at and after closing. No agent of Seller nor any agent of
125 Buyer has made any representations regarding the Property. The real estate licensee named in
126 this Agreement have made no representations to any party regarding the condition of the
127 Property, the operations on or income from the Property, or whether the Property or the use
128 thereof complies with Laws. Except for Seller's representations set forth in this section 11,
129 Buyer shall acquire the Property "AS IS" with all faults and Buyer shall rely on the results
130 of its own inspection and investigation in Buyer's acquisition of the Property.

131 12. **PERSONAL PROPERTY**. This sale includes the following personal property: ☐ _____
132 N/A

133 or ☐ the personal property located on and used in connection with the Property and owned
134 by Seller which Seller shall itemize in a schedule. Seller shall deliver to Buyer such
135 schedule within _____ days after the Execution Date.

136 13. **AGENCY DISCLOSURE**. The following agency relationship(s) in this transaction is
137 (are) hereby consented to and acknowledged:

138 (a) ☐ Curt Culver (selling real estate licensee) is the agent of
139 (check one): ☒ Buyer exclusively as an agent of Buyer; ☐ Seller exclusively as an agent
140 of Seller; ☐ both Seller and Buyer as set out in the in-company agreement.

141 (b) ☐ _____ (listing agent if not the same as selling agent)
142 is the agent of (check one): ☐ Seller exclusively as Seller's agent; ☐ both Seller and
143 Buyer as set out in the in-company agreement.

144 (c) ☐ _____ (real estate licensee) is the agent of both Seller
145 and Buyer in a limited dual agency relationship pursuant to separate agreement.
146 **ACKNOWLEDGED**

147 Buyer Dennis Valle Date 8/14/95 Seller _____ Date _____

148 Buyer _____ Date _____ Seller _____ Date _____

149 Designated Broker(s) Initials _____

150 Buyers Initials DVC
151 Sellers Initials _____

152 14. **NOTICES.** Unless otherwise specified, any notice required or permitted in, or
153 related to, this Agreement must be in writing and signed by the party to be bound. Any
154 time limit in or applicable to a notice shall commence on the day following mailing of
155 the notice in the U.S. mails, postage prepaid, by the applicable party to the address
156 of the other party shown in this Agreement, unless that day is a Saturday, Sunday, or
157 legal holiday, in which event it will commence on the next following business day.

158 15. **ASSIGNMENT.** Buyer ☐ may assign ☐ may not assign ☐ may assign, if the assignee is
159 an entity owned and controlled by Buyer (may not, if no box is checked) this Agreement
160 or Buyer's rights under this Agreement without Seller's prior written consent.

161 16. **ATTORNEYS' FEES.** In the event a suit, action, arbitration, or other proceeding of any
162 nature whatsoever, including without limitation any proceeding under the U.S. Bankruptcy Code,
163 is instituted, or the services of an attorney are retained, to interpret or enforce any
164 provision of this Agreement or with respect to any dispute relating to this Agreement, the
165 prevailing party shall be entitled to recover from the losing party its attorneys', paralegals',
166 accountants', and other experts' fees and all other fees, costs, and expenses actually incurred
167 and reasonably necessary in connection therewith. In the event of suit, action, arbitration,
168 or other proceeding, the amount thereof shall be determined by the judge or arbitrator, shall
169 include fees and expenses incurred on any appeal or review, and shall be in addition to all
170 other amounts provided by law.

171 17. **STATUTORY LAND USE DISCLAIMER.** THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE
172 WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE
173 LAWS AND REGULATIONS, WHICH, IN FARM AND FOREST ZONED, MAY NOT AUTHORIZE CONSTRUCTION OR SITING
174 OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS
175 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE
176 TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO
177 VERIFY APPROVED USES AND THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

178 18. **MISCELLANEOUS.** Time is of the essence of this Agreement. The facsimile transmission of
179 any signed document including this Agreement shall be the same as delivery of an original. At
180 the request of either party, the party delivering a document by facsimile will confirm facsimile
181 transmission by signing and delivering a duplicate original document. This Agreement may be
182 executed in two or more counterparts, each of which shall constitute an original and all of
183 which together shall constitute one and the same Agreement. This Agreement contains the entire
184 agreement and understanding of the parties with respect to the subject matter of this Agreement
185 and supersedes all prior and contemporaneous agreements between them with respect thereto.
186 Without limiting the provisions of Section 15 of this Agreement, this Agreement shall be binding
187 upon and shall inure to the benefit of the parties and their respective successors and assigns.
188 The person signing this Agreement on behalf of Buyer and the person signing this Agreement on
189 behalf of Seller each represents, covenants and warrants that such person has full right and
190 authority to enter into this Agreement and to bind the party for whom such person signs this
191 Agreement to the terms and provisions of this Agreement. This Agreement shall not be recorded
192 unless the parties otherwise agree.

193 19. **ADDENDUMS/EXHIBITS.** The following named addendums and exhibits are attached to
194 this Agreement and incorporated within this Agreement: ☐ none or ☐

195
196 20. **TIME FOR ACCEPTANCE.** Seller has until 5:00 p.m. Pacific Time on _____ to
197 accept this offer. Acceptance is not effective until a copy of this Agreement which has
198 been signed and dated by Seller is actually received by Buyer. If this offer is not so
199 accepted, it shall expire and the Earnest Money shall be promptly refunded to Buyer.

200 21. **SELLER'S ACCEPTANCE AND BROKERAGE AGREEMENT.** Seller agrees to sell the Property
201 on the terms and conditions in this Agreement and further agrees to pay a commission in
202 the total amount computed in accordance with the listing agreement or other commission
203 agreement. If there is no written listing agreement or other commission agreement,
204 Seller hereby agrees to pay a commission of ☐ Seven percent (7%) of the
205 purchase price or ☐ One Thousand Three Hundred and Thirty (\$1,330) of the
206 Earnest Money is forfeited and retained by Seller in accordance with this Agreement, in
207 addition to any other rights the listing agent may have, the listing agent shall be
208 entitled to fifty percent (50%) of the Earnest Money, not to exceed any agreed
209 commission, and Seller hereby assigns to the listing agent such amount.

210 22. **EXECUTION DATE.** The execution Date is the later of the two dates shown beneath the
211 parties' signatures below.
212 CONSULT YOUR ATTORNEY. THIS DOCUMENT HAS BEEN PREPARED FOR SUBMISSION TO YOUR ATTORNEY FOR
213 REVIEW AND APPROVAL PRIOR TO SIGNING. NO REPRESENTATION IS MADE BY THE REAL ESTATE LICENSEES
214 NAMED IN THIS AGREEMENT AS TO THE LEGAL SUFFICIENCY OR TAX CONSEQUENCES OF THIS AGREEMENT.

215 Buyer: <u>Dianne VanDusen</u>	Seller: _____
216 By: _____	By: _____
217 Title: _____	Title: _____
218 Execution Date: <u>8-11-96</u>	Execution Date: _____
219 Home Phone: _____	Home Phone: _____
220 Office Phone: _____	Office Phone: _____
221 Fax Phone: _____	Fax Phone: _____
222 Address: _____	Address: _____
223 _____	_____
224 _____	_____

