

CITY COUNCIL AGENDA PACKET

MONDAY,
August 4, 2003

- 5:30 P.M. EXECUTIVE
SESSION
- 7:00 P.M. CITY COUNCIL
REGULAR SESSION

*Please contact Chris Eppley, City Manager if
you have any questions or need additional
information regarding any of the staff
reports or issues contained on the agenda.
Thanks!!*

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
EXECUTIVE SESSION

Monday, July 21, 2003

5:30 p.m.

Keizer City Hall

Keizer, Oregon 97303

1. **CALL TO ORDER**
2. **ROLL CALL**
3. **DISCUSSION**
 - a. Pursuant to ORS 192.660(1)(d) (To conduct deliberations with persons designated by the governing body to carry on labor negotiations)
4. **ADJOURN**

Upon request, auxiliary aids and/or special services for those with disabilities will be provided. To request services, please contact us at (503) 390-3700 or through Oregon Relay 1-800-735-2900 at least two working days(48 hours) in advance.

The Oregon Public Meeting Law authorizes governing bodies to meet in executive session in certain limited situations. An executive session is defined as any meeting or part of a meeting of a governing body which is closed to certain persons for deliberations on certain matters as defined by ORS 192.660. These sessions are closed to the public and under certain circumstances the media also. The governing body is not allowed to take any final action or make any final decisions during the executive sessions. Any final action or decision must be made after returning or at the next regularly scheduled meeting.

9. CONSENT CALENDAR

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

August 11, 2003

5:30 p.m. City Council Work Session

➤ **Lake Oswego Street Design Tour**

August 18, 2003

7:00 p.m. City Council Meeting

12. ADJOURN

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THE COMMUNITY IN A COORDINATED, EFFICIENT AND LEAST COST FASHION**

A G E N D A

KEIZER CITY COUNCIL
REGULAR SESSION

Monday, August 4, 2003
7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

5. PUBLIC HEARINGS

- a. **RESOLUTION – Forming Pleasantview Drive Street Lighting District**
ORDINANCE – Spreading Assessment to Pleasantview Drive Street Light District
- b. **Best Buy Jerky, Inc. Liquor License Application**

6. COMMITTEE REPORTS

7. OTHER BUSINESS

This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

- **New Business**
- **Old Business**

8. ADMINISTRATIVE ACTION

- a. **Request to Initiate Partial Street Vacation on Bailey Road – Perry and Judy Chappell**



August 4, 2003

AGENDA ITEM 5a

PLEASANTVIEW DRIVE STREET LIGHTING DISTRICT

COUNCIL MEETING: August 4, 2003

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY DAVIS, CMC
CITY RECORDER**



SUBJECT: PLEASANTVIEW DRIVE STREET LIGHTING DISTRICT

ISSUE:

At the June 16, 2003 City Council meeting, a public hearing was opened to receive testimony on the formation of the Pleasantview Drive Street Lighting District. No one testified at the hearing, therefore the hearing was closed. During deliberations, the City Attorney requested additional time to review the signature petition to determine that owners of two-thirds of the district property area had signed or consented to the formation of the district. Upon review, it was determined the petitioner had two-thirds of the number of property owners, but due to some larger land parcels, there was not two-thirds of signatures of property area. Staff contacted Mr. Gary Bakkala (the originator of the petition) and he gathered three additional signatures. The City Engineer's office has confirmed that the petition contains the required signatures of two-thirds or 67.68% of the owners of the property area within the district (copy attached). Another public hearing has been scheduled and notice of hearing was again mailed to all of the property owners within the district.

Attached you will find a copy of the staff report of the June 16th meeting as well as a copy of the Engineer's Report, approved by the Council on May 5, 2003.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony of any interested party and upon conclusion of testimony, the hearing be closed. It is further recommended that the City Council adopt a Resolution Forming the Pleasantview Drive Street Lighting District and an Ordinance Spreading Assessments to Pleasantview Drive Street Lighting District.

PLEASANTVIEW STREET LIGHT DISTRICT

PETITIONED ACREAGE (Revised 7/24/03)

<u>ADDRESS</u>	<u>ACRES</u>	<u>ADDRESS</u>	<u>ACRES</u>
3776 Pleasantview Dr.	1.24	1576 Tobi Ln	0.28
3770 Pleasantview Dr.	0.69	1556 Tobi Ln	0.24
3775 Pleasantview Dr.	0.44	1536 Tobi Ln	0.19
3787 Pleasantview Dr.	0.18	3985 Pleasantview Dr.	0.16
3895 Pleasantview Dr.	0.95	3974 Pleasantview Dr.	0.35
3965 Pleasantview Dr.	0.89	3876 Pleasantview Dr.	0.74
3975 Pleasantview Dr.	0.87	3880 Pleasantview Dr.	0.59
3785 Pleasantview Dr.	0.57		
3764 Pleasantview Dr.	0.50	3755 Pleasantview Dr.	0.89
3767 Pleasantview Dr.	1.05	3665 Pleasantview Dr.	1.29
3765 Pleasantview Dr.	included	3690 Pleasantview Dr.	0.39
3725 Pleasantview Dr.	0.54	Tax Lot 073W11AA601	1.33
3745 Pleasantview Dr.	0.35		
3750 Pleasantview Dr.	0.77	1705 Shady Lane	0.20
1625 Shady Lane	included		
3795 Pleasantview Dr.	1.02	3743 Sullenger Lane	0.11
3964 Pleasantview Dr.	0.41	3733 Sullenger Lane	0.16
3741 Mozell Lane	0.13		
3745 Saramae Lane	0.11	Total B:	6.92
3780 Pleasantview Dr.	0.39		
3731 Mozell Lane	0.13		
3734 Sullenger Lane	0.13		
3736 Saramae Lane	0.21		
3760 Pleasantview Dr.	0.59		
3875 Pleasantview Dr.	0.83		
3984 Pleasantview Dr.	0.28		
3890 Pleasantview Dr.	0.59		
3746 Saramae Ct.	0.40		
3744 Sullenger Lane	0.13		
Total A:	14.49		
Total A:	14.49		
Total B:	6.92		
Total:	21.41		
Total A =	67.68%		

AGENDA ITEM NO: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

**THROUGH: TRACY L. DAVIS, CMC
CITY RECORDER**

SUBJECT: PUBLIC HEARING - To consider remonstrances or objections to formation of the Pleasantview Drive Street Lighting Local Improvement District and objections to an Ordinance spreading assessments to Pleasantview Drive Street Lighting Local Improvement District

ISSUE

1. Shall the City Council form Pleasantview Drive 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 Pleasantview Drive 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 February 12, 2003, a resident of the Pleasantview Drive area filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2003-1392 on March 3, 2003 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 May 5, 2003 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 June 2, 2003 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 Pleasantview Drive 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.

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 an 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 Pleasantview Drive 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 R2003-_____

FORMING PLEASANTVIEW DRIVE STREET LIGHTING

LOCAL IMPROVEMENT DISTRICT

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

WHEREAS, the City Council has adopted a Resolution approving the City Engineer's Report for Pleasantview Drive 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 Pleasantview Drive 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 Pleasantview Drive Street Lighting Local Improvement District.

PASSED this ____ day of _____, 2003.

SIGNED this ____ day of _____, 2003.

Mayor

City Recorder

3 **A BILL FOR**4 **AN ORDINANCE SPREADING ASSESSMENTS TO**
5 **PLEASANTVIEW DRIVE STREET LIGHTING LOCAL**
6 **IMPROVEMENT DISTRICT**
78
9
10 Section 1. **FINDINGS.** The City Council of the City of Keizer makes the following
11 findings:

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

15 Pleasantview Drive - identified on the assessors
16 map 7S 3W11AD and 7S 3W 11AA tax lots 103,
17 2801, 601, 700, 800, 900, 1000, 1100, 1101,
18 1200, 1300, 1400, 1500, 1600, 1700, 2200,
19 2201, 2202, 2300, 2400, 2500, 2600, 2700,
20 2800, 2900, 3000, 3100, 3200, 3300, 3400,
21 3401, 3500, 3501, 4500, 4600, 4700, 4800,
22 4900, 5000, 5200, 5200, 5300, and 5400 in the
23 City of Keizer, County of Marion, State of
24 Oregon;
2526 which includes the installation of seven (7) - 150-watt high pressure sodium
27 luminaries mounted on four-foot long mast arms and attached to 30-foot
28 gray fiberglass poles and two (2) 100 watt high pressure sodium flat lens
29 luminaries mounted on 2 existing poles located within the subject local
30 improvement district, all in accordance with the City Engineer's Report for
31 Pleasantview Drive Street Lighting Local Improvement District.

- 32 b. The total initial cost of Pleasantview Drive Street Lighting Local Improvement
-
- 33 District is \$2196.26.
-
- 34 c. The per space/lot assessment formula was used for this district.

- 1 d. The improvements in the district have been or will be constructed as provided
2 in the Engineer's Report.
- 3 e. Notice was duly mailed to the benefited property owners on June 2, 2003
- 4 f. A meeting of the City Council was held at the time and place fixed by public
5 notice for the purpose of considering any such written objections to the
6 proposed assessments.
- 7 g. No written objections to the proposed assessments were filed.
- 8 h. The Council has considered the matter and determined that construction of
9 said improvements was and is of material benefit to the City, and all the
10 property to be assessed therefore will be specially benefited by the
11 improvements in the amounts shown on the assessment roll.

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

13 Section 2. ASSESSMENTS.

- 14 a. First Annual Assessment. It is hereby determined that the share of the cost
15 of the improvements for Pleasantview Drive Street Lighting Local
16 Improvement District for each parcel and property benefited thereby for the
17 first annual assessment is the amount set opposite the description of each
18 piece or parcel of land as described in Pleasantview Drive Street Lighting
19 District Assessment Roll as set forth in Exhibit "A" attached, and that each
20 piece or parcel of land benefited by the improvements, to the full extent of
21 the amount so set opposite such piece or parcel and that the respective
22 amounts represent the proportionate benefits of said improvements to said
23 respective parcels of property, and the Council does hereby declare that each
24 of the parcels of property described in Pleasantview Drive Street Lighting

District Roll as set forth in Exhibit "A" attached is hereby assessed the first annual assessment amount set opposite each respective description.

- i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Pleasantview Drive Street Lighting Local Improvement District":

7 - 150 Watt Luminaries	\$840.84
2 - 100 Watt Luminaries	\$213.12
7 fiberglass poles	\$243.60
Engineering Costs	\$602.00
Administrative Fee	\$296.70
Total Assessments	\$2196.26

- 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 Pleasantview Drive Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

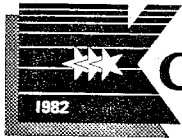
d. Lien on Property. The assessment shall be entered as a lien against the benefited property in the City Lien Docket.

PASSED this _____ day of _____, 2003.

SIGNED this _____ day of _____, 2003.

Mayor

City Recorder



City of Keizer

Phone: 390-3700 • Fax: 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

**ENGINEER'S REPORT
FOR
PLEASANTVIEW DRIVE
STREET LIGHTING DISTRICT**

For City Council Action April 21, 2003



Renewal date: December 31, 2004

PREPARED BY:
Peterson Eng. Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303
(503) 390-7402

Date: March 24, 2003

Project File: 0813

"Pride, Spirit and Volunteerism"

Incorporated 1982

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Pleasantview Drive

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2003-1392** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan: The lighting improvements will consist of 7, 150 Watt, high pressure sodium, flat lens luminaries mounted on 6 foot long mast arms and attached to existing 30 foot distribution poles; Plus 2, 100 Watt, high pressure sodium, flat lens luminaries mounted on 6 foot long mast arms and attached to 30 foot fiberglass poles. This design is selected to meet current standards and minimize cost utilizing the existing poles. It is recommended that installation be accomplished by the following method:

Salem Electric Company (SE) would supply, install and maintain the luminaries, poles and underground or overhead wiring. Salem Electric would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

7, 150 Watt, HPS street lights @ 10.01 per mo. x 12 mos. =	\$840.84
2, 100 Watt, HPS street lights @ 8.88 per mo. x 12 mos. =	213.12
7, 30 foot, fiberglass poles @ 2.90 per mo. x 12 mos. =	243.60
Administrative Fee @ \$6.90/Lot:	296.70
Engineering @ \$14.00/Lot:	<u>602.00</u>
Total Assessment	<u>\$2196.26</u>
(1)Per Lot Assessment (First Year, 43 Lots)	\$51.08

(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.



City of Keizer

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PLEASANTVIEW DRIVE
STREET LIGHTING DISTRICT

For City Council Action April 21, 2003



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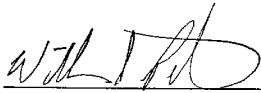
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$30.18 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefitted properties and the first year assessments to be levied against each.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'William I. Peterson', is written over a horizontal line.

William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL (First Year)

PLEASANTVIEW DRIVE
STREET LIGHTING DISTRICT

*Assessors Map 7S 3W 11AD

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
103	CEDILLO, HIPOLITO J & MARIA R 1555 4 TH ST NE SALEM, OR 97303	\$51.08
2801	CHEZEM, GARY A 3665 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08

*Assessors Map 7S 3W 11AA

601	CEDILLO, HIPOLITO J & MARIA R 1555 4 TH ST NE SALEM, OR 97303	\$51.08
700	SCHNEBERGER, LEONA E 3750 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
800	WADLEIGH, BRUCE & JONES, SHADYA 198 COMMERCIAL ST SE SALEM, OR 97301	\$51.08
900	RUDISHAUSER, DEAN A & JEANIE 3764 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1000	DELONG, CHARLES W & LOIS L 3770 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1100	PERKINS, BARBARA M 3780 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08

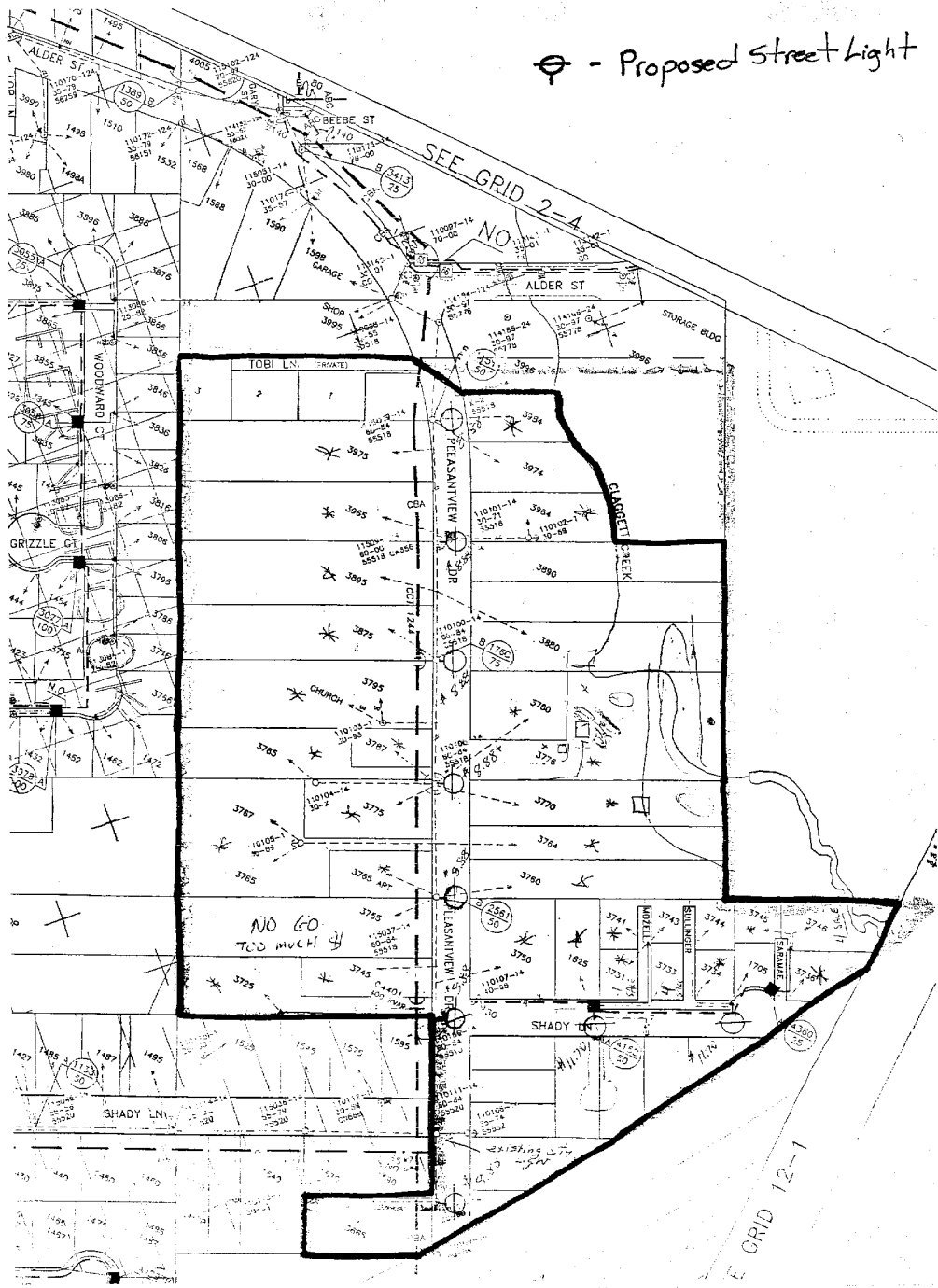
<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
1101	BAKKALA, GARY A & BAKKALA, JULIA AC 5068 BRIARWOOD CR N KEIZER, OR 97303	\$51.08
1200	BOUSSAD, FRANK & KELLY, LISA M PO BOX 20083 KEIZER, OR 97307	\$51.08
1300	GEROLD, JIM J 3880 PLEASANT VIEW DR NE Keizer, OR 97303	\$51.08
1400	UNGER, JOSEPH R & JANE K 3890 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1500	KREHBIEL, RICHARD D & KREHBIEL, MARSHA M 3964 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1600	ANDERSON, SHIRLEY I 3974 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1700	CRAIG, PEARL A <LIEUALLEN, ALMYN TROY 3984 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2200	NIELSEN, DAVID D & TOBI L 2925 ERIC CT NW SALEM, OR 97304	\$51.08
2201	NIELSEN, DAVID D & TOBI L 2925 ERIC CT NW SALEM, OR 97304	\$51.08

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
2202	NIELSEN, DAVID D & TOBI L 2925 ERIC CT NW SALEM, OR 97304	\$51.08
2300	NIELSEN, DAVID D & TOBI L 2925 ERIC CT NW SALEM, OR 97304	\$51.08
2400	MCEVOY, JOHN F & JULIE 3975 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2500	WALKER, WILLIE D & WALKER, VIVIAN L & ANDREWS, LINDA G 3965 PLEASANT VIEW DR NE	\$51.08
2600	REDINGER, WILLIAM E & MARGARE 3895 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2700	HANLEY, GAIL P 3875 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2800	TRUTH TABERNACLE 3795 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2900	HOWELL, NELLIE G 3787 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3000	PERKINS, WARREN D & PAULINE - T 3995 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3100	HAMILTON, LAWRENCE F & DONNA 3775 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3200	TITUS, CHRISTOPHER D & TAMI R 3767 PLEASANT VIEW DR NE SALEM, OR 97303	\$51.08

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
3300	KELLEY, JAMES M & ANITA C 3765 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3400	GRISWOLD, ROGER PO BOX 85 SALEM, OR 97308	\$51.08
3401	GRISWOLD, ROGER PO BOX 85 SALEM, OR 97308	\$51.08
3500	TATE, THOMAS R & JULIA A 3745 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3501	TATE, THOMAS R JULIA A 3745 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
4500	MAST, JOHN PAUL & MAST, MOLLY KRISTINE 3741 MOZELL LN NE KEIZER, OR 97303	\$51.08
4600	SHADY LANE DEVELOPMENT LLC <LAFERRIERE, EVA M 3743 SULLENGER LN NE SALEM, OR 97303	\$51.08
4700	ROBLES, JAVIER & BRINLEE, TRIC 3744 SULLENGER LANE NE KEIZER, OR 97303	\$51.08
4800	SANCHEZ, JESUS & PATRICIA R 3745 SARMAE LN KEIZER, OR 97303	\$51.08
4900	CONSECO FINANCE SERVICING CO PO BOX 3290 FEDERAL WAY, WA 98063	\$51.08

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
5000	YATES, COREY J & YATES, CHRISTINA M KIEFIUK 3736 SARMAE LN NE KEIZER, OR 97303	\$51.08
5100	BICKLE, DAVID P & DEBORAH R 1705 SHADY LN NE KEIZER, OR 97303	\$51.08
5200	DONLEY, LAWRENCE E PO BOX 18503 SALEM, OR 97305	\$51.08
5300	SHADY LANE DEVELOPMENT LLC 471 EOLA DR NW SALEM, OR 97304	\$51.08
5400	HARIUC, IOLANDA G 3731 MOZELL LN NE KEIZER, OR 97303	\$51.08
	TOTAL ASSESSMENT:	\$2196.26

⊙ - Proposed Street Light





August 4, 2003

AGENDA ITEM 5b

BEST BUY JERKEY, INC. – LIQUOR LICENSE APPLICATION

CITY COUNCIL MEETING: August 4, 2003

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC 
CITY RECORDER

SUBJECT: BEST BUY JERKY, INC. LIQUOR LICENSE APPLICATION
OFF-PREMISES SALES LICENSE

BACKGROUND:

On July 16, 2003 Ou Seng Saechao submitted an application for a Off-Premises Sales liquor license for Best Buy Jerky, Inc. located at 4495 River Road North, Keizer, Oregon.

As required by Keizer Ordinance 95-318, a public hearing was scheduled; notice was published and mailed to all property owners within 200 feet of the proposed establishment. ORS 471.166 requires the City to make a recommendation within thirty (30) days of receipt of the application.

On July 21, 2003 a request was sent to the Keizer Police Department to conduct a background check on the applicants and calls for service at this location. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a Off-Premises liquor license at Best Buy Jerky, Inc. under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.



1982

KEIZER POLICE

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council
Thru: Chris Eppley, City Manager
From: Marc Adams, Chief of Police
Rita Powers, Police Support Supervisor (8)
Subject: Best Buy Jerky, Inc.

Issue: Shall the City Council approve the liquor license application of Best Buy Jerky, Inc, 4925 River Rd. N., Keizer, Oregon 97303

Background

There was one call for service from July 1, 2002 through June 30, 2003 at the address of 4295 River Rd. N. It was not in conflict with the ordinance.

The applicant, Ou Seng Saechao has no criminal history on record.

Thus, the background review did not reveal any history or events that would be in conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval of the liquor license for Best Buy Jerky, 4925 River Rd. N. Keizer, Oregon.

Red 716-04



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☐ Limited On-Premises Sales (\$202.60/yr)
☒ Off-Premises Sales (\$100/yr)
 ☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

- ☐ Change Ownership
☒ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☐ Other _____

Applying as:

- ☐ Limited Partnership
☒ Corporation
☐ Limited Liability Company
☐ Individuals

FOR CITY AND COUNTY USE ONLY
The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: _____
(signature)

(date)

Name: _____

Title: _____

OLCC USE ONLY

Application Rec'd by J. Mitchell

Date: 7/16/03

90-day authority: ☐ Yes ☒ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① OU SENG SAECHAO I-576 FOOD MART, INC

② _____ ④ _____

2. Trade Name (dba): BEST BUY JERKY, INC

3. Business Location: 4425 RIVER RD N- KEIZER MARION, OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 4495 COUNTRYSIDE CT NE SALEM, OR 97305
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: CELL 503-580-3495
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☒ No ☒ X NO

7. If yes to whom: OU SENG SAECHAO Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? ☒ Yes ☒ No Name: OU SENG SAECHAO
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? Salem Marion KEIZER
(name of city or county)

11. Contact person for this application: OU SENG SAECHAO 503-580-3495
(name) (phone number(s))
4495 COUNTRYSIDE CT NE SALEM, OR 97305
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① OU SENG SAECHAO Date 7-16-03 _____ Date _____

② _____ Date _____ ④ _____ Date _____

1-800-452-OLCC (6522)

www.olcc.state.or.us

(rev. 05/03)

OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION



Please Print or Type

I-5-76 FOODMART, INC
Applicant Name: ~~OU SENG SAZAHAD~~ Phone: 503-580-3495
Trade Name (dba): BEST BULLY JERKY, INC
Business Location Address: 4925 RIVER RD NORTH
City: KEIZER, OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 7:00AM to 8:30PM
Monday 6:30AM to 8:30PM
Tuesday 6:30AM to 8:30PM
Wednesday 6:30AM to 8:30PM
Thursday 6:30AM to 8:30PM
Friday 6:30AM to 10:00PM
Saturday 7:00AM to 10:00PM

Outdoor Area Hours:

Sunday / to /
Monday / to /
Tuesday / to /
Wednesday / to /
Thursday / to /
Friday / to /
Saturday / to /

The outdoor area is used for:

☐ Food service Hours: / to /
☐ Alcohol service Hours: / to /
☐ Enclosed, how /

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- ☐ Live Music ☐ Karaoke
☐ Recorded Music ☐ Coin-operated Games
☐ DJ Music ☐ Video Lottery Machines
☐ Dancing ☐ Social Gaming
☐ Nude Entertainers ☐ Pool Tables
☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: _____ Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: / (Y) / (N)

Investigator Initials: _____

Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: ans 875ac hoo. Date: 07-09-03

1-800-452-OLCC (6522)

www.olcc.state.or.us

(rev. 04/03)



August 4, 2003

AGENDA ITEM 8a

REQUEST TO INITIATE PARTIAL STREET VACATION ON BAILEY
ROAD (PERRY AND JUDY CHAPPELL)

CITY COUNCIL MEETING: August 4, 2003

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS
THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER
FROM: E. SHANNON JOHNSON, CITY ATTORNEY
SUBJECT: *REQUEST TO INITIATE PARTIAL STREET VACATION ON
BAILEY ROAD (CHAPPELL)*

Perry and Judith Chappell have requested that the City Council initiate vacation proceedings for a two foot strip of right-of-way on Bailey Road. This staff report addresses the background behind the matter and outlines some of the issues for Council's consideration.

In the fall of 2002, the Chappells applied to partition the property located at 891 Chemawa Road Northeast. The property is located on the northwest corner of the intersection of Chemawa and Bailey Road. Because the Chemawa Road right-of-way was insufficient for minor arterial standards, the Chappells were required to dedicate additional right-of-way on the Chemawa Road side of their property. After dedication of that property, they did not have enough area to partition the property into three parcels as they first requested. Therefore, they partitioned into two parcels: 1) 5,074 square feet and 2) 7,900 square feet (the subject parcel).

Though the partition decision was final and there was no appeal, the Chappells were interested in being able to further divide the 7,900 square foot parcel. They inquired regarding the street vacation process. Their goal was to vacate a small strip adjacent to their property on Bailey Road in order to increase the parcel size to 8,000 square feet in size. The lot could then be divided into two 4,000 square foot parcels. The Keizer Development Code has a minimum of 4,000 square feet for a zero lot line homes and a minimum of 5,000 square feet for other residential dwelling units.

There are two different processes for street vacation. The first type is a petition-initiated vacation. In that case, the petitioner acquires signatures of 100% of the abutting property owners to the proposed vacation area and two-thirds (as measured by the size of the property) of the "affected area" owners. This "affected area" is generally 200 feet on either side of the proposed vacation property and 400 feet from each end of the proposed vacation property. The second type of vacation procedure is one initiated by the City on its own motion which is discussed later in this staff report.

Chappell Request - Partial Street Vacation
Page 2

The Chappells moved forward to gather sufficient signatures for the petition. In this case, the city hall complex is part of the affected area. Since the City Council may ultimately consider the vacation request after a public hearing, it was not appropriate for the City to sign the petition as a consenting property owner. Even without the City's consent as a property owner, there still remains more than two-thirds of the total affected area left and the Chappells potentially can receive consent from a sufficient number of property owners in order to initiate vacation proceedings. However, the Chappells have so far been unable to gather enough signatures to equal two-thirds of the affected area. Consequently, they have requested that the City initiate vacation proceedings on the City's own motion.

The difference between petition-initiated vacation and the vacation proceeding initiated by the City is that the City-initiated vacation can be accomplished without any signatures from the affected property owners. Only if a majority in the affected area affirmatively object can the vacation be stopped.

However, whether the City or petitioners initiate the process, the question for the City Council is whether the "public interest would be prejudiced" by the vacation. The City has the authority to deny the petition outright without having a public hearing. But the Council must conduct a public hearing in order to vacate the right-of-way.

Prior to reviewing some of the issues, the Council needs to recognize that tonight's meeting is an initial review to determine whether the City wishes to initiate the vacation process. It is not a decision whether to vacate the portion requested. However, to be fair to the Chappells and efficiently use staff time, it would be inappropriate to initiate the vacation proceedings if the Council as a whole has concerns regarding its appropriateness.

The request in this case is somewhat unprecedented. The only similar requests have had to do with realigned streets where the old right-of-way would never be used because the new alignment has replaced it. This has occurred on Trail Avenue and on Dearborn when those roads were realigned many years ago.

Some issues for the Council to consider are as follows:

1. Though it appears that the current 60-foot right-of-way is more than sufficient for this local street, it is not possible to know for certain if the right-of-way could be used in the future.

2. There are several places in the City where this, or a similar situation, occur. Allowing this vacation could open the floodgates as pressure to develop increases and could present problems in terms of processing such requests.
3. In certain instances, vacation procedures have to go through the land use process. Although I do not think this would be true for the Chappell vacation, further research would be necessary.
4. The Chappells have a sympathetic fact situation considering the required dedication on Chemawa Road.
5. Though it is possible that future development on this corner may create some type of complaints, the vacation itself would probably not cause concern. If the property was developed with a new home closer to Chemawa Road, it is possible that the future widening of Chemawa could create a problem.

The policy dilemma in this case can be viewed depending on how you phrase the question. One possible question is "Should a partial street vacation be allowed purely to give a property owner a buildable lot?" The second way of stating the question is "Should a property owner who was required to give up property for right-of-way be hurt again by not allowing another lot due to two feet of right-of-way that will likely never be needed?"

I have enclosed copies of the vacation statutes, the Chappell's letter requesting the vacation, and a map of the area.

RECOMMENDATION:

This matter is a policy decision for Council. Though this is a difficult situation for the Chappells, after weighing the above information I would recommend that the vacation process not be initiated. The Council needs to determine whether the facts in this situation and some of the repercussions weigh in favor of the vacation or against it.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh
enclosures

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Hint: Use your browser's Find feature (usually found in the Edit menu) to get to a section more quickly.

Chapter 271 — Use of Public Lands; Easements

2001 EDITION

GENERAL PROVISIONS

271.005 Definitions for ORS 271.005 to 271.540. As used in ORS 271.005 to 271.540:

- (1) "Governing body" means the board or body in which the general legislative power of a political subdivision is vested.
- (2) "Governmental body" means the State of Oregon, a political subdivision, the United States of America or an agency thereof.
- (3) "Political subdivision" means any local government unit, including, but not limited to, a county, city, town, port, dock commission or district, that exists under the laws of Oregon and has power to levy and collect taxes. [1981 c.787 §2]

271.010 [Amended by 1965 c.25 §1; 1971 c.287 §1; repealed by 1981 c.153 §79]

271.020 [Amended by 1953 c.283 §3; 1977 c.275 §1; repealed by 1981 c.153 §79]

271.030 [Amended by 1953 c.283 §3; repealed by 1981 c.153 §79]

271.040 [Repealed by 1981 c.153 §79]

271.050 [Repealed by 1981 c.153 §79]

271.060 [Repealed by 1981 c.153 §79]

271.070 [Repealed by 1981 c.153 §79]

VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of

any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by council. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body

shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on council's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replatting or rededicating. If the proposed manner of replatting or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be

given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

led
7-14-03
P O Box 21424
Keizer, OR 97307
(503) 390-1499

July 13, 2003

City Council
Keizer, Oregon

In the Fall of 2002, we applied for and received a partition of our property located at 891 Chemawa NE and consequently changed to 5015 Bailey NE as a result of that partition. As a requirement for the partition, we were forced to give an additional 10' of property on Chemawa without compensation as a right of way to the City. This caused our remaining property to be reduced in size to 7900 sq. ft. - too small to be partitioned and, therefore, reduced the value of the property.

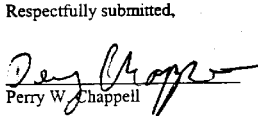
In the Spring of 2003, we applied to the City for a vacation of right of way of 2' of property on Bailey which would provide an additional 218 sq ft to our property. We collected required signatures of all abutting property owners, as well as signatures of 16 affected properties; however, according to the requirements of the vacation of right of way application, we did not have required signatures of 2/3 of the property area located within 400 ft of our property.

Among those properties were five owned by the City of Keizer. We were unable to obtain signatures for these properties due to a conflict of interest according to the City Attorney. Also, among the properties were one property in foreclosure with no owner at the time, plus two of the largest parcels (one owned by Qwest and one multiple housing complex), both of which have out of state owners. We have sent letters to each of these, but have received no response to date.

It is for this reason that we now appeal to the City of Keizer to exercise its option authorized by ORS 271.080 to initiate vacation proceedings.

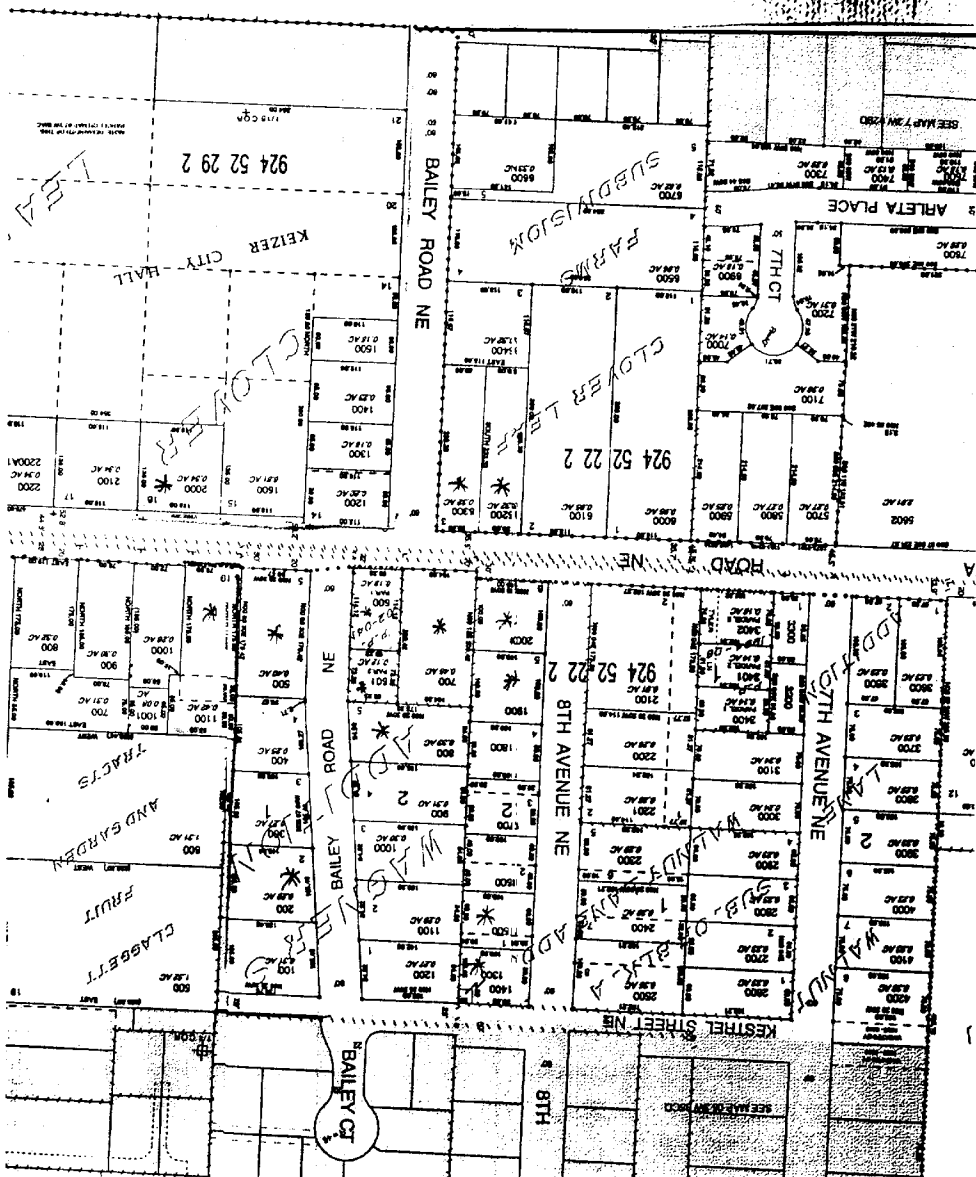
Thank you for your consideration of this matter.

Respectfully submitted,


Perry W. Chappell


Judith F. Chappell

34 Davis



FINAL ACTION SHEET

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

REGULAR SESSION

Monday, August 4, 2003

7:00 p.m.

Robert L. Simon Council Chambers
Keizer, Oregon 97303

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

2. ROLL CALL

All Council members were present.

3. FLAG SALUTE

Marky Humberstad led the flag salute.

4. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

There was no public testimony to come before the Council.

5. PUBLIC HEARINGS

- a. **RESOLUTION** – Forming Pleasantview Drive Street Lighting District
ORDINANCE – Spreading Assessment to Pleasantview Drive Street Light District

Motion to approve the Resolution and Ordinance – Passed unanimously.

- b. **Best Buy Jerky, Inc. Liquor License Application**

Motion to approve the Liquor License Application – Passed unanimously.

6. COMMITTEE REPORTS

- Walsh – River Task Force Report
- Walsh – CCRLS/Library Issue Report
- Walsh – SKATS Report
- Moir – EVAK Action – Delay until more information
- Lee – Making After School Count Committee Report
- Lee – Salem Conference Center Report
- Chris – River Road Task Force Report

7. OTHER BUSINESS

This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

- New Business
- Old Business
- Chief Adams – Donation of 2 Vehicles to KPD
- Rob – Storm Water Task Force Meeting reminder

8. ADMINISTRATIVE ACTION

- a. Request to Initiate Partial Street Vacation on Bailey Road – Perry and Judy Chappell

Motion to table this matter until plans for improvements to Chemawa Road – approximately Spring 2004 - have been developed. Motion passed 5-2 with Walsh and Smith in opposition.

9. CONSENT CALENDAR

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

Chris Adams?
Van?
read?
count?

August 11, 2003

5:30 p.m. City Council Work Session

- Lake Oswego Street Design Tour

August 18, 2003

7:00 p.m. City Council Meeting

September Work Session

CCRLS Library Participation Discussion

12. ADJOURN

Adjourned at 7:55 p.m.

Chris Adams
Van?
read?
count?
8-18

- certification by street light assessments
- specific funds grant
- budget comm reports.
- street name change PH Garagosa Way
- ~~minor variance PH~~

9-15
comp plan / zone
Chris
Chapman env / no Fire #1

OFFICERS

Al Rasmus, President and Building
Operations Manager 390-0009
Barbara Clement, Vice President 390-5114
Rick Day, Secretary 390-2048 (w)
Judy Peterson, Treasurer 393-9600



KEIZER HERITAGE FOUNDATION, INC.

P.O. Box 20845
Keizer, Oregon 97307
(503) 393-9660, FAX 393-0209
website: www.open.org/~heritage

DIRECTORS

Phil Bay
Jerry Bowerly
Arleta Burton
Vern Casterline
Sharon Diebel- KAA
Holly Erickson
Inice Foster
Evelyn Melson Franz
Pat Galligan
Don Gardner
Ray Hansen
Brian Hanssen
Jim Hupy
John Jenkins
Lea Jenny
Dennis Koho
Pearl Langeland-Honorary
Sue Miletta
Harry Pease-Honorary
Anne Rasmus- Newsletter
Gary Young
Jim Young

3rd QUARTER 2003 NEWSLETTER

NEW OFFICERS FOR KHF

A new slate of officers were elected for Keizer Heritage. They are **Al Rasmus (President)**, **Barbara Clement (Vice President)**, **Rick Day (Secretary)**, and **Judy Peterson (Treasurer)**. Also, new Board members have been added. They are Keizer residents Rick Day, owner of Advantage Precast, Judy Peterson, a McNary High Counselor, and Gary Young with Salem Concrete. Welcome one and all! With new Board members, we find new ideas and energy.

WEBSITE ADDED

Just below the "picture" of our building on this page, our website has been added. Please refer this to your friends, so they can see the variety of events we can accommodate. With the poor economy, booking events at KHF is slowing down too. It is amazing how many people in Keizer do not have any idea about this building still. We need to get people into this building, so they will be aware of the volunteer library and museum also. There is no obligation if people call me for a possible event. Even if someone doesn't rent, they'll refer the Center to others. Call Anne Rasmus (503)390-0009.



DOROTHY GOLDSBY- AGE 99

Recently, I discovered that **Dorothy Goldsby**, age 99, is our oldest member!

In December, Dorothy will be **100!!** I reported that Pearl Langeland was the oldest member, at 91, in 1998. On July 4, 2003 Pearl turned 96. Also, Violet Bowden is age 95. Congratulations to all of you.

PRESIDENT & BUILDING MANAGER'S REPORT

by Al Rasmus

Well, we start a new fiscal year at KHF. With the annual meeting under our belt and new officers elected for the year 2003-04, we will discuss what new directions KHF should take, if any. Also, we will form a Long Range Planning Committee, which will include some KHF members that are not on the Board and maybe a Keizer resident or two that are not members. This will give us a broader range of ideas.

I would like to thank Jim Hupy (now Past President) for his fine leadership taking us from the fundraising and construction phase of 1999 and up into the current year. Jim's efforts to mediate and solve a variety of situations throughout that time helped smooth the way for our "beginning" as the Keizer Heritage Community Center.

Of course, I want to thank Inice Foster, Treasurer, and Pat Galligan, Secretary. They stepped into their position as Board of Directors and then immediately

were elected to these positions. Both did a wonderful job in maintaining the records for KHF. Holly Erickson, as Past President (for 4 straight years), brought her experience with KHF to our Board and Executive Committee. All of them are continuing as Directors so we will have their input and expertise.

Also, I'm confident that our new officers (and new Board members) Rick Day, Secretary, and Judy Peterson, Treasurer, will do a fine job in joining Barbara Clement, Vice President, Jim and myself in leading KHF this year. We look forward to it.

Some of you may be aware, but in case you are not, Jerry McGee has convinced the City of Keizer that they need a historical committee (not formally organized yet). This committee will help document the history of the Keizer area. The KHF Board has unanimously approved our involvement. It will fit in with work the Museum Committee has been doing, headed by Evelyn Franz and Sue Miletta. If others of you wish to help the Museum Committee, please contact Evelyn at 393-5792 or Sue at 390-0811.

3 One area that needs more people is our Flower Delivery Committee. We help Keizer Florist with flower deliveries just before busy holidays and Keizer Florist pays KHF the delivery charge, bringing us more than \$3,000 per year. It is a win-win situation for both. Many of our members are getting older, not driving as much, not physically as capable, etc. which is depleting our delivery ranks. Flower deliveries are fun! You see a lot of smiles. Also, you will be assigned a partner to help if you do not already have one. Primarily, we need volunteers for Valentine's Day and Mother's Day (just a 3-4 hour shift). So, if you would like to be added to our delivery list, please call John Jenkins at 390-0968.

Also, we want to expand our membership. Since the building restoration is completed and we have become self-sufficient, KHF has other areas where new members can be involved. For example, the museum needs members for research to help preserve our history and heritage of the Keizer community. Do you know someone who may be willing to donate pictures or information to our museum? Maybe there's someone out-of-state that was once part of Keizer. We need to reach out to the younger members of our community and get them involved in KHF too. Pass the word to people you think might be interested in becoming involved. I can be reached at the Center (393-9660) or home (390-0009). Feel free to call for any other reason also. Thank you.

THANKS FOR YOUR SUPPORT

From March 1 to June 30, 2003, the following have continued their support of Keizer Heritage Foundation and Community Center. This timeframe includes a large number of renewals:

Advantage Precast (Rick Day), Jane Anderson, Vic & Karen Backlund, Phil Bay, Vera Beecroft, Peter & Betty Burk, Arleta Burton, Ronna Chandler, Ruth Coan, Lillian Crossler, Ward DeBeck, Beverly DeBoer, Robert & Patricia Ehrlich, Jim & Holly Erickson, Lois Pierce Evans, June Fearn, Ernie & Leah Fish, Violet Bowden Girod, John & Julia Hall, Hanssen Landscaping, Brian Hanssen, Mike & Betty Hart, Jerry & Vivian Herman, Lea Jenny, Eileen Johnson, Beula Bramble Jones, Keizer Vision Clinic, Viola Laudon, Virginia McClure, McNary Newsletter (Don Conat), Hortense McRae, Kay Nelson, Sam Orcutt, Eleanor Parker, Margarethe Pommerening, Prudential Real Estate, James Robison, Salem Clinic, John & Mildred Shaw, Carol Smith, Thelma Snyder, Loren Thackery, James & Doris Tryon, Mary Uecker, Valley Green, Inc. donated weed control, Valley Recycling, Pete & Ruth Vrontakis, Charlene Weathers, and Lyn Zielinski-Mills.

Recently, a long-time supporter and volunteer, Jerry Oldenburg, passed away. The following sent donations "in memory of" Jerry: Robert & Velda Bell, Harry & Esther Feddern, John & Gina Jenkins, Roger & Pat Lufkin, Virginia McClure, Robert & Donna McNeal, Sharon McNeal, Al & Anne Rasmus, Dennis & Alice Reichenberger, and Richard & Nancy West.

To join or renew your membership and show financial support of your Community Center, send your tax-deductible check to:

Keizer Heritage Foundation
P.O. Box 20845
Keizer, OR 97307
Office phone: (503) 393-9660

MUSEUM DISPLAYS

Have you been to our museum lately? There's a great display of toy trucks and soon there will be "Keizer Collectibles". These are items that Keizer people can display showing history and particular

**The Old School is a window to our past
and a door to our future!**

events. Also, those of you who have gone to school in this building can look through picture albums to retrace those days.

Upcoming museum exhibits include: **September/October** showing Native American artifacts. With the Chemawa Indian School close by, this will be an excellent show. **November/December** we'll have 2 displays. One will be "Bettie Boop" and the other will be "Trailblazer" memorabilia. If you have any items you would like to loan to the museum on these subjects, call Evelyn Franz (393-5792) or Sue Miletta (390-0811).

LETTER TO THE EDITOR

Recently, we received a call asking if volunteers could get some personal recognition for their "good works". WE all know that Keizer has got to be the "volunteer capitol of Oregon". Keizer Heritage has reaped the benefits of volunteers too... and we would not be up and running if it were not for the volunteers!! So- I will try to have a regular column (space permitting) called "Volunteers Make A Difference". Thanks for your input. Good idea. -The Editor

VOLUNTEERS MAKE A DIFFERENCE

One large group of volunteers are those who deliver flowers before holidays (for Keizer Florist, who in turn "gives" the delivery fee to Keizer Heritage). They are in alphabetical order since September, 2002: Jane Anderson, Mark Baker, Ed Bartlett, Phil & Joyce Bay, Alan & Sherry Bennett, June Benson, Ray Berg, Jerry & Margo Bowerly, Dick & Marlene Buell, Vern Casterline, Barbara Clement, Lillian Crossler, Marilyn Dayson, Bev DeBoer, Mary Jo Emmett, Holly Erickson, Inice Foster, Evelyn Melson Franz, Bill & Pat Galligan, Omar & Georgie Gard, Don Gardner, Lu Garren, Gordon & Virginia Graber, Phyllis Gribskov, Ray & Wanda Hansen, Dorothy Hardwick, John & Gina Jenkins, Lea Jenny, Jim Johnson, Mary Kennerly, Barbara Knighton, Virginia McClure, Doneva Miletta, Sue Miletta, Paul Morgan, Ed Mueller, Clyde Mullen, Bob Newton, Sybil Nieswander, Sally Oldenburg, Harry Pease, Dick Peckham, Bob Peterson, Anita Phillips, Dale & Geneva Powell, Ken Prince, Ken & Jean Purcell, Al & Anne Rasmus, Phyllis Ratray, Donna Roner, Roy & Carol Shelton, Chuck Shirley, Herman Smith, JerryAnne Sorenson, Bob Stai, Rick Stuckey, Carol Swenson, Velma Tepper, Dave Turnbull, Linda Walker, Joyce Worden, Jim Young,

and Gloria Zielinski.

Now, you might wonder "why" we are asking for more flower delivery people when there appears to be so many? The delivery times before the holidays are Thanksgiving, Christmas, Valentine's Day, Secretary's Week, Easter, and Mother's Day. Very few people are available for every holiday. Some may only be able to deliver 2-3 holidays per year. A lot of people are needed each holiday because deliveries last 4 days to a week before each. There's a lot of scheduling involved. You may have been interested in this activity, but didn't want to do it by yourself. Maybe you see a friend, from this list, that you would want to partner with. (One person drives and the other watches for streets, giving directions if needed.) Some of our members have their adult children help and they are great! In fact, we have one group of ladies who try to deliver 50 when they are helping. At Mother's Day, they delivered 35, which was "close". Call John Jenkins (390-0968) if you want to help with this Thanksgiving. It takes a lot of time for him to schedule people each holiday.

CONGRATULATIONS, MARK MIRANDA

During the first part of this year, one of our Keizer Heritage members, Mark Miranda, retired from the Keizer Police Dept. as Lieutenant. He had many years of experience with our community and was actively involved in various parts such as Community Policing and Emergency Management. Then he applied and was hired as Newport's Chief of Police. Both he and his wife, Sheri (also actively involved in Emergency Management), have moved to Newport area. So if you see them in Newport, say "hi".

KEIZER ART OFFERING KIDS CLASSES

This summer, Keizer Art Assn. is offering classes for kids again (KIDZART). There has been a good turnout with classes in watercolor, clay, and tile mosaics. Generally, they are open to kids ages 6 to 12 years. There is a nominal fee. If you want more information, call Keizer Art at (390-3010). If you get the answering machine, leave a message. This year's president is Carol Schriener. 9/27 10/11 11/29

Use what talents you possess.

The Woods would be very silent if no Birds sang there, except those that sang best.

-Anonymous



Keizer Heritage Foundation
P.O. Box 20845
Keizer, Oregon 97307

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Mayor
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CITY COUNCIL AGENDA PACKET

MONDAY,
August 4, 2003

- 5:30 P.M. EXECUTIVE
SESSION
- 7:00 P.M. CITY COUNCIL
REGULAR SESSION

*Please contact Chris Eppley, City Manager if
you have any questions or need additional
information regarding any of the staff
reports or issues contained on the agenda.
Thanks!!*

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

REGULAR SESSION

Monday, August 4, 2003

7:00 p.m.

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

1. CALL TO ORDER

2. ROLL CALL

3. FLAG SALUTE

4. PUBLIC TESTIMONY

This time is provided for citizens to address the Council on any matters other than those on the agenda scheduled for public hearing.

5. PUBLIC HEARINGS

- a. **RESOLUTION – Forming Pleasantview Drive Street Lighting District**
ORDINANCE – Spreading Assessment to Pleasantview Drive Street Light District
- b. **Best Buy Jerky, Inc. Liquor License Application**

6. COMMITTEE REPORTS

7. OTHER BUSINESS

This time is provided to allow the Mayor, Council members or staff an opportunity to bring new or old matters before the Council that are not on tonight's agenda.

- **New Business**
- **Old Business**

8. ADMINISTRATIVE ACTION

- a. **Request to Initiate Partial Street Vacation on Bailey Road – Perry and Judy Chappell**

9. CONSENT CALENDAR

10. WRITTEN COMMUNICATIONS

To inform the Council of significant written communications.

11. AGENDA INPUT

August 11, 2003

5:30 p.m. City Council Work Session

➤ Lake Oswego Street Design Tour

August 18, 2003

7:00 p.m. City Council Meeting

12. ADJOURN

September
w.s.
Library Issue

Upon request, auxiliary aids and/or special services will be provided. To request services, please contact us at 503-390-3700 or through Oregon Relay 1-800-735-2900 at least two working days (48 hours) in advance.



August 4, 2003

AGENDA ITEM 5a

PLEASANTVIEW DRIVE STREET LIGHTING DISTRICT

COUNCIL MEETING: August 4, 2003

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**THROUGH: CHRIS EPPLEY
CITY MANAGER**

**FROM: TRACY DAVIS, CMC
CITY RECORDER**



SUBJECT: PLEASANTVIEW DRIVE STREET LIGHTING DISTRICT

ISSUE:

At the June 16, 2003 City Council meeting, a public hearing was opened to receive testimony on the formation of the Pleasantview Drive Street Lighting District. No one testified at the hearing, therefore the hearing was closed. During deliberations, the City Attorney requested additional time to review the signature petition to determine that owners of two-thirds of the district property area had signed or consented to the formation of the district. Upon review, it was determined the petitioner had two-thirds of the number of property owners, but due to some larger land parcels, there was not two-thirds of signatures of property area. Staff contacted Mr. Gary Bakkala (the originator of the petition) and he gathered three additional signatures. The City Engineer's office has confirmed that the petition contains the required signatures of two-thirds or 67.68% of the owners of the property area within the district (copy attached). Another public hearing has been scheduled and notice of hearing was again mailed to all of the property owners within the district.

Attached you will find a copy of the staff report of the June 16th meeting as well as a copy of the Engineer's Report, approved by the Council on May 5, 2003.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony of any interested party and upon conclusion of testimony, the hearing be closed. It is further recommended that the City Council adopt a Resolution Forming the Pleasantview Drive Street Lighting District and an Ordinance Spreading Assessments to Pleasantview Drive Street Lighting District.

PLEASANTVIEW STREET LIGHT DISTRICT

PETITIONED ACREAGE (Revised 7/24/03)

<u>ADDRESS</u>	<u>ACRES</u>	<u>ADDRESS</u>	<u>ACRES</u>
3776 Pleasantview Dr.	1.24	1576 Tobi Ln	0.28
3770 Pleasantview Dr.	0.69	1556 Tobi Ln	0.24
3775 Pleasantview Dr.	0.44	1536 Tobi Ln	0.19
3787 Pleasantview Dr.	0.18	3985 Pleasantview Dr.	0.16
3895 Pleasantview Dr.	0.95	3974 Pleasantview Dr.	0.35
3965 Pleasantview Dr.	0.89	3876 Pleasantview Dr.	0.74
3975 Pleasantview Dr.	0.87	3880 Pleasantview Dr.	0.59
3785 Pleasantview Dr.	0.57		
3764 Pleasantview Dr.	0.50	3755 Pleasantview Dr.	0.89
3767 Pleasantview Dr.	1.05	3665 Pleasantview Dr.	1.29
3765 Pleasantview Dr.	included	3690 Pleasantview Dr.	0.39
3725 Pleasantview Dr.	0.54	Tax Lot 073W11AA601	1.33
3745 Pleasantview Dr.	0.35		
3750 Pleasantview Dr.	0.77	1705 Shady Lane	0.20
1625 Shady Lane	included		
3795 Pleasantview Dr.	1.02	3743 Sullenger Lane	0.11
3964 Pleasantview Dr.	0.41	3733 Sullenger Lane	0.16
3741 Mozell Lane	0.13		
3745 Saramae Lane	0.11	Total B:	6.92
3780 Pleasantview Dr.	0.39		
3731 Mozell Lane	0.13		
3734 Sullenger Lane	0.13		
3736 Saramae Lane	0.21		
3760 Pleasantview Dr.	0.59		
3875 Pleasantview Dr.	0.83		
3984 Pleasantview Dr.	0.28		
3890 Pleasantview Dr.	0.59		
3746 Saramae Ct.	0.40		
3744 Sullenger Lane	0.13		
Total A:	14.49		
Total A:	14.49		
Total B:	6.92		
Total:	21.41		
Total A =	67.68%		

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

**FROM: CHRIS EPPLEY
CITY MANAGER**

**THROUGH: TRACY L. DAVIS, CMC
CITY RECORDER**

SUBJECT: PUBLIC HEARING - To consider remonstrances or objections to formation of the Pleasantview Drive Street Lighting Local Improvement District and objections to an Ordinance spreading assessments to Pleasantview Drive Street Lighting Local Improvement District

ISSUE

1. Shall the City Council form Pleasantview Drive 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 Pleasantview Drive 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 February 12, 2003, a resident of the Pleasantview Drive area filed a petition to form a street lighting local improvement district. In response to this petition, the City Council adopted Resolution R2003-1392 on March 3, 2003 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 May 5, 2003 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 June 2, 2003 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 Pleasantview Drive 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.

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 an 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 Pleasantview Drive 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.

A BILL FOR

**AN ORDINANCE SPREADING ASSESSMENTS TO
PLEASANTVIEW DRIVE 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 Pleasantview Drive Street Lighting Local Improvement District which is described as follows:

Pleasantview Drive - identified on the assessors map 7S 3W11AD and 7S 3W 11AA tax lots 103, 2801, 601, 700, 800, 900, 1000, 1100, 1101, 1200, 1300, 1400, 1500, 1600, 1700, 2200, 2201, 2202, 2300, 2400, 2500, 2600, 2700, 2800, 2900, 3000, 3100, 3200, 3300, 3400, 3401, 3500, 3501, 4500, 4600, 4700, 4800, 4900, 5000, 5200, 5200, 5300, and 5400 in the City of Keizer, County of Marion, State of Oregon;

which includes the installation of seven (7) - 150-watt high pressure sodium luminaries mounted on four-foot long mast arms and attached to 30-foot gray fiberglass poles and two (2) 100 watt high pressure sodium flat lens luminaries mounted on 2 existing poles located within the subject local improvement district, all in accordance with the City Engineer's Report for Pleasantview Drive Street Lighting Local Improvement District.

- b. The total initial cost of Pleasantview Drive Street Lighting Local Improvement District is \$2196.26.
- c. The per space/lot assessment formula was used for this district.

- 1 d. The improvements in the district have been or will be constructed as provided
2 in the Engineer's Report.
- 3 e. Notice was duly mailed to the benefited property owners on June 2, 2003
- 4 f. A meeting of the City Council was held at the time and place fixed by public
5 notice for the purpose of considering any such written objections to the
6 proposed assessments.
- 7 g. No written objections to the proposed assessments were filed.
- 8 h. The Council has considered the matter and determined that construction of
9 said improvements was and is of material benefit to the City, and all the
10 property to be assessed therefore will be specially benefited by the
11 improvements in the amounts shown on the assessment roll.

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

13 Section 2. ASSESSMENTS.

- 14 a. First Annual Assessment. It is hereby determined that the share of the cost
15 of the improvements for Pleasantview Drive Street Lighting Local
16 Improvement District for each parcel and property benefited thereby for the
17 first annual assessment is the amount set opposite the description of each
18 piece or parcel of land as described in Pleasantview Drive Street Lighting
19 District Assessment Roll as set forth in Exhibit "A" attached, and that each
20 piece or parcel of land benefited by the improvements, to the full extent of
21 the amount so set opposite such piece or parcel and that the respective
22 amounts represent the proportionate benefits of said improvements to said
23 respective parcels of property, and the Council does hereby declare that each
24 of the parcels of property described in Pleasantview Drive Street Lighting

District Roll as set forth in Exhibit "A" attached is hereby assessed the first annual assessment amount set opposite each respective description.

- i. Summary of first annual assessment costs for formation of the lighting district to serve the area known as "Pleasantview Drive Street Lighting Local Improvement District":

7 - 150 Watt Luminaries	\$840.84
2 - 100 Watt Luminaries	\$213.12
7 fiberglass poles	\$243.60
Engineering Costs	\$602.00
Administrative Fee	<u>\$296.70</u>
Total Assessments	\$2196.26

- 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 Pleasantview Drive Street Lighting Local Improvement District shall be collected pursuant to ORS 223.866.

/////

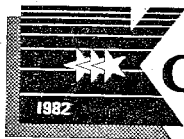
1 d. Lien on Property. The assessment shall be entered as a lien against the
2 benefited property in the City Lien Docket.

3 PASSED this _____ day of _____, 2003.

4
5 SIGNED this _____ day of _____, 2003.

6
7
8
9 _____
10 Mayor

11
12 _____
13 City Recorder
14
15



City of Keizer

Phone: 390-3700 • Fax: 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

ENGINEER'S REPORT
FOR
PLEASANTVIEW DRIVE
STREET LIGHTING DISTRICT

For City Council Action April 21, 2003



Renewal date: December 31, 2004

PREPARED BY:
Peterson Eng. Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303
(503) 390-7402

Date: March 24, 2003

Project File: 0813

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

SUBJECT: Street Lighting District for Pleasantview Drive

Authority and Purpose: This report is submitted in accordance with the requirements of City of Keizer **Ordinance No. 94-278** and Council **Resolution 2003-1392** for the purpose of creating the subject Street Lighting District.

District Boundaries and Map: A Map of the proposed District is attached showing the areas benefitted by the street lights proposed to be installed.

Lighting Plan The lighting improvements will consist of 7, 150 Watt, high pressure sodium, flat lens luminaries mounted on 6 foot long mast arms and attached to existing 30 foot distribution poles; Plus 2, 100 Watt, high pressure sodium, flat lens luminaries mounted on 6 foot long mast arms and attached to 30 foot fiberglass poles. This design is selected to meet current standards and minimize cost utilizing the existing poles. It is recommended that installation be accomplished by the following method:

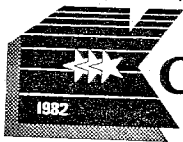
Salem Electric Company (SE) would supply, install and maintain the luminaries, poles and underground or overhead wiring. Salem Electric would also supply the electrical power to the District.

Estimated Costs:

Initial Cost and Annual costs -

7, 150 Watt, HPS street lights @ 10.01 per mo. x 12 mos. =	\$840.84
2, 100 Watt, HPS street lights @ 8.88 per mo. x 12 mos. =	213.12
7, 30 foot, fiberglass poles @ 2.90 per mo. x 12 mos. =	243.60
Administrative Fee @ \$6.90/Lot:	296.70
Engineering @ \$14.00/Lot:	<u>602.00</u>
Total Assessment	\$2196.26
(1)Per Lot Assessment (First Year, 43 Lots)	\$51.08

(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.



City of Keizer

Phone: 390-3700 • Fax: 393-9437
930 Chemawa Rd. N.E. • P.O. Box 21000 • Keizer, Oregon 97307-1000

Administration • Public Works • Community Development • Municipal Court • Police (business only) Phone 503.390.3713 Fax 503.390.8295

ENGINEER'S REPORT
FOR
PLEASANTVIEW DRIVE
STREET LIGHTING DISTRICT

For City Council Action April 21, 2003



Renewal date: December 31, 2004

PREPARED BY:
Peterson Eng. Consultants, Inc.
4300 Cherry Ave. N
Keizer, OR 97303
(503) 390-7402

Date: March 24, 2003

Project File: 0813

"Pride, Spirit and Volunteerism"

Incorporated 1982

TO: The Hon. Mayor and City Council

FROM: City Engineer's Office

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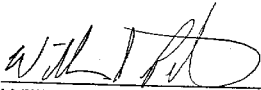
(1) Includes tax roll preparation, audit, delinquencies and miscellaneous administrative costs to the City as authorized by Res. 94-716.

Method of Assessment: It is recommended that the costs be assessed on a per lot basis to each parcel in the district.

The first year assessment would include the one time costs for District formation and engineering. Subsequent years assessments would reduce to \$30.18 per lot.

Assessment Roll: The attached preliminary assessment roll identifies the benefitted properties and the first year assessments to be levied against each.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'W. I. Peterson', is written over a horizontal line.

William I. Peterson, PE

PRELIMINARY ASSESSMENT ROLL (First Year)

PLEASANTVIEW DRIVE
STREET LIGHTING DISTRICT

*Assessors Map 7S 3W 11AD

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
103	CEDILLO, HIPOLITO J & MARIA R 1555 4 TH ST NE SALEM, OR 97303	\$51.08
2801	CHEZEM, GARY A 3665 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08

*Assessors Map 7S 3W 11AA

601	CEDILLO, HIPOLITO J & MARIA R 1555 4 TH ST NE SALEM, OR 97303	\$51.08
700	SCHNEBERGER, LEONA E 3750 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
800	WADLEIGH, BRUCE & JONES, SHADYA 198 COMMERCIAL ST SE SALEM, OR 97301	\$51.08
900	RUDISHAUSER, DEAN A & JEANIE 3764 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1000	DELONG, CHARLES W & LOIS L 3770 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1100	PERKINS, BARBARA M 3780 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08

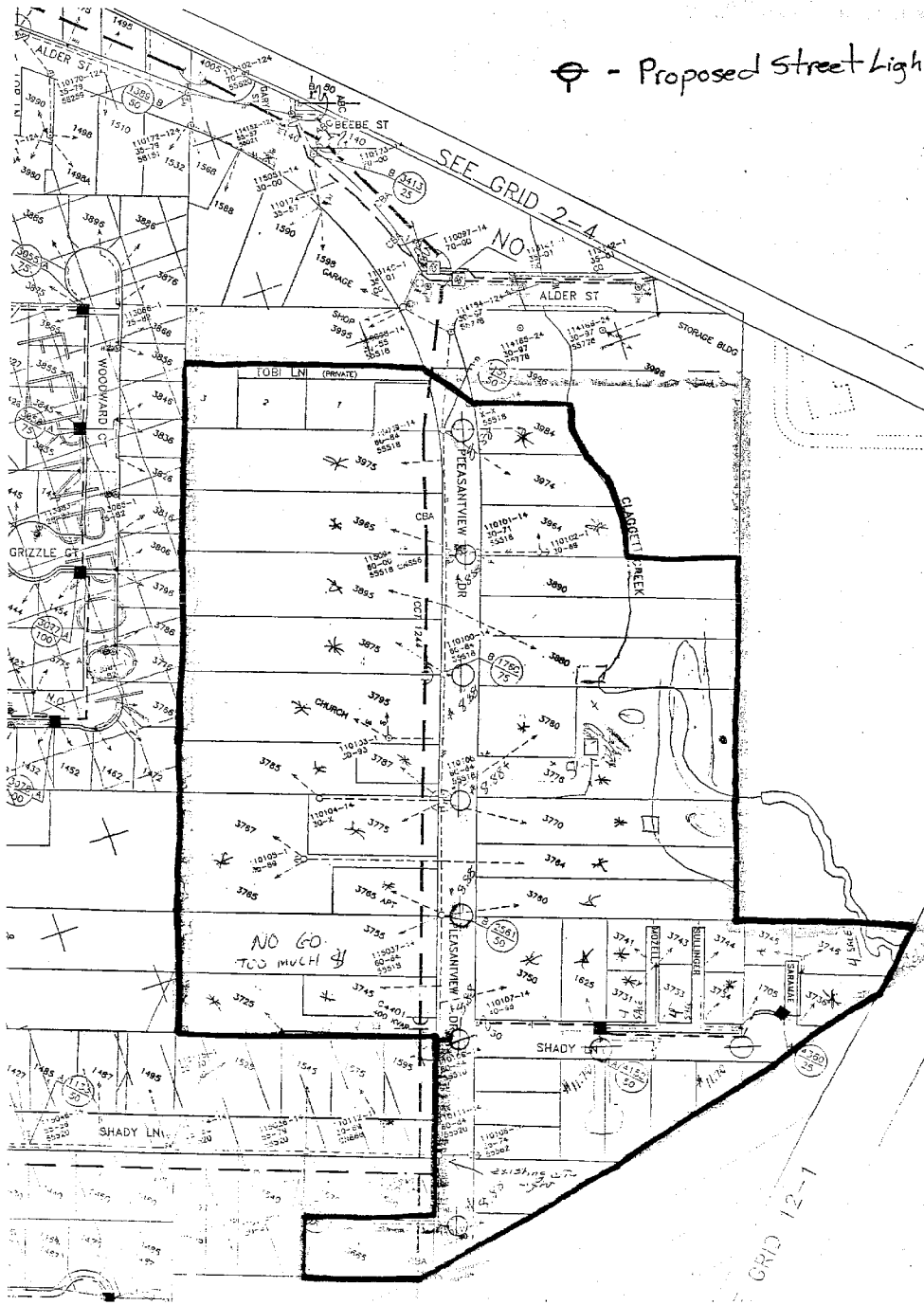
<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
1101	BAKKALA, GARY A & BAKKALA, JULIA AC 5068 BRIARWOOD CR N KEIZER, OR 97303	\$51.08
1200	BOUSSAD, FRANK & KELLY, LISA M PO BOX 20083 KEIZER, OR 97307	\$51.08
1300	GEROLD, JIM J 3880 PLEASANT VIEW DR NE Keizer, OR 97303	\$51.08
1400	UNGER, JOSEPH R & JANE K 3890 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1500	KREHBIEL, RICHARD D & KREHBIEL, MARSHA M 3964 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1600	ANDERSON, SHIRLEY I 3974 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
1700	CRAIG, PEARL A <LIEUALLEN, ALMYN TROY 3984 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2200	NIELSEN, DAVID D & TOBI L 2925 ERIC CT NW SALEM, OR 97304	\$51.08
2201	NIELSEN, DAVID D & TOBI L 2925 ERIC CT NW SALEM, OR 97304	\$51.08

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
2202	NIELSEN, DAVID D & TOBI L 2925 ERIC CT NW SALEM, OR 97304	\$51.08
2300	NIELSEN, DAVID D & TOBI L 2925 ERIC CT NW SALEM, OR 97304	\$51.08
2400	MCEVOY, JOHN F & JULIE 3975 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2500	WALKER, WILLIE D & WALKER, VIVIAN L & ANDREWS, LINDA G 3965 PLEASANT VIEW DR NE	\$51.08
2600	REDINGER, WILLIAM E & MARGARE 3895 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2700	HANLEY, GAIL P 3875 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2800	TRUTH TABERNACLE 3795 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
2900	HOWELL, NELLIE G 3787 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3000	PERKINS, WARREN D & PAULINE - T 3995 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3100	HAMILTON, LAWRENCE F & DONNA 3775 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3200	TITUS, CHRISTOPHER D & TAMI R 3767 PLEASANT VIEW DR NE SALEM, OR 97303	\$51.08

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
3300	KELLEY, JAMES M & ANITA C 3765 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3400	GRISWOLD, ROGER PO BOX 85 SALEM, OR 97308	\$51.08
3401	GRISWOLD, ROGER PO BOX 85 SALEM, OR 97308	\$51.08
3500	TATE, THOMAS R & JULIA A 3745 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
3501	TATE, THOMAS R JULIA A 3745 PLEASANT VIEW DR NE KEIZER, OR 97303	\$51.08
4500	MAST, JOHN PAUL & MAST, MOLLY KRISTINE 3741 MOZELL LN NE KEIZER, OR 97303	\$51.08
4600	SHADY LANE DEVELOPMENT LLC <LAFERRIERE, EVA M 3743 SULLENGER LN NE SALEM, OR 97303	\$51.08
4700	ROBLES, JAVIER & BRINLEE, TRIC 3744 SULLENGER LANE NE KEIZER, OR 97303	\$51.08
4800	SANCHEZ, JESUS & PATRICIA R 3745 SARMAE LN KEIZER, OR 97303	\$51.08
4900	CONSECO FINANCE SERVICING CO PO BOX 3290 FEDERAL WAY, WA 98063	\$51.08

<u>Tax Lot #</u>	<u>Owners Name and Address</u>	<u>Assessment</u>
5000	YATES, COREY J & YATES, CHRISTINA M KIEFIUK 3736 SARAMAE LN NE KEIZER, OR 97303	\$51.08
5100	BICKLE, DAVID P & DEBORAH R 1705 SHADY LN NE KEIZER, OR 97303	\$51.08
5200	DONLEY, LAWRENCE E PO BOX 18503 SALEM, OR 97305	\$51.08
5300	SHADY LANE DEVELOPMENT LLC 471 EOLA DR NW SALEM, OR 97304	\$51.08
5400	HARIUC, IOLANDA G 3731 MOZELL LN NE KEIZER, OR 97303	\$51.08
	TOTAL ASSESSMENT:	\$2196.26

⊙ - Proposed Street Light





August 4, 2003

AGENDA ITEM 5b

BEST BUY JERKEY, INC. – LIQUOR LICENSE APPLICATION

CITY COUNCIL MEETING: August 4, 2003

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND CITY COUNCIL MEMBERS

THROUGH: CHRIS C. EPPLEY
CITY MANAGER

FROM: TRACY L. DAVIS, CMC 
CITY RECORDER

SUBJECT: BEST BUY JERKY, INC. LIQUOR LICENSE APPLICATION
OFF-PREMISES SALES LICENSE

BACKGROUND:

On July 16, 2003 Ou Seng Saechao submitted an application for a Off-Premises Sales liquor license for Best Buy Jerky, Inc. located at 4495 River Road North, Keizer, Oregon.

As required by Keizer Ordinance 95-318, a public hearing was scheduled; notice was published and mailed to all property owners within 200 feet of the proposed establishment. ORS 471.166 requires the City to make a recommendation within thirty (30) days of receipt of the application.

On July 21, 2003 a request was sent to the Keizer Police Department to conduct a background check on the applicants and calls for service at this location. The response is attached to this report. In addition, the Keizer Planning Department finds the location of the establishment to be properly zoned and has no comment on the application.

RECOMMENDATION:

It is recommended the public hearing be opened to allow testimony from the applicant or other interested individuals and upon completion, the hearing be closed. It is further recommended the Council approve the application for a Off-Premises liquor license at Best Buy Jerky, Inc. under the guidelines as established by ORS 471.178 and the Ordinances of the City of Keizer. This recommendation shall then be forwarded to the Oregon Liquor Control Commission.



1982

KEIZER POLICE

City Council Meeting of _____

Agenda Item No. _____

To: Mayor and City Council
Thru: Chris Eppley, City Manager
From: Marc Adams, Chief of Police
Rita Powers, Police Support Supervisor (28)
Subject: Best Buy Jerky, Inc.

Issue: Shall the City Council approve the liquor license application of Best Buy Jerky, Inc, 4925 River Rd. N., Keizer, Oregon 97303

Background

There was one call for service from July 1, 2002 through June 30, 2003 at the address of 4295 River Rd. N. It was not in conflict with the ordinance.

The applicant, Ou Seng Saechao has no criminal history on record.

Thus, the background review did not reveal any history or events that would be in conflict with the City of Keizer City Ordinance 95-318.

Recommendation

The Keizer Police Department recommends approval of the liquor license for Best Buy Jerky, 4925 River Rd. N. Keizer, Oregon.

Red 116-04



OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)
☐ Commercial Establishment
☐ Caterer
☐ Passenger Carrier
☐ Other Public Location
☐ Private Club
☐ Limited On-Premises Sales (\$202.60/yr)
☒ Off-Premises Sales (\$100/yr)
 ☐ with Fuel Pumps
☐ Brewery Public House (\$252.60)
☐ Winery (\$250/yr)
☐ Other: _____

ACTIONS

- ☐ Change Ownership
☒ New Outlet
☐ Greater Privilege
☐ Additional Privilege
☐ Other _____

Applying as:

- ☐ Limited Partnership
☒ Corporation
☐ Limited Liability Company
☐ Individuals

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By:

(signature)

(date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by J. MitchellDate: 7/16/0390-day authority: ☐ Yes ☒ No

1. Entity or Individuals applying for the license: [See SECTION 1 of the Guide]

① OU SENG SAECHAO I-576 FOODMART, INC

② _____

③ _____

2. Trade Name (dba): BEST BUY JERKY, INC3. Business Location: 4425 RIVER RD N. KEIZER MARION OR 97303
(number, street, rural route) (city) (county) (state) (ZIP code)4. Business Mailing Address: 4495 COUNTRYSIDE CT NE SALEM, OR 97305
(PO box, number, street, rural route) (city) (state) (ZIP code)5. Business Numbers: cell 503-580-3495

(phone)

6. Is the business at this location currently licensed by OLCC? ☒ Yes ☒ No

(fax)

7. If yes to whom: OU SENG SAECHAO Type of License: _____

8. Former Business Name: _____

9. Will you have a manager? ☒ Yes ☒ No Name: OU SENG SAECHAO

(manager must fill out an individual history form)

10. What is the local governing body where your business is located? SALEM MARION KEIZER
(name of city or county)11. Contact person for this application: OU SENG SAECHAO 503-580-3495

(name)

(phone number(s))

4495 COUNTRYSIDE CT NE SALEM, OR 97305

(address)

(fax number)

(e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① OU SENG SAECHAO Date 7-17-03

Date _____

② _____ Date _____ ③ _____ Date _____

1-800-452-OLCC (6522)

www.olcc.state.or.us

(rev. 05/03)

**OREGON LIQUOR CONTROL COMMISSION
BUSINESS INFORMATION**



Please Print or Type

Applicant Name: I-5-76 FOODMART, INC Phone: 503-580-3495
Trade Name (dba): BEST BUY JERKY, INC
Business Location Address: 4925 RIVER RD NORTH
City: KEIZER, OR ZIP Code: 97303

DAYS AND HOURS OF OPERATION

Business Hours:

Sunday 7:00AM to 8:30PM
Monday 6:30AM to 8:30PM
Tuesday 6:30AM to 8:30PM
Wednesday 6:30AM to 8:30PM
Thursday 6:30AM to 8:30PM
Friday 6:30AM to 10:00PM
Saturday 7:00AM to 10:00PM

Outdoor Area Hours:

Sunday / to /
Monday / to /
Tuesday / to /
Wednesday / to /
Thursday / to /
Friday / to /
Saturday / to /

The outdoor area is used for:

☐ Food service Hours: / to /
☐ Alcohol service Hours: / to /
☐ Enclosed, how /

The exterior area is adequately viewed and/or supervised by Service Permittees.

(Investigator's Initials)

Seasonal Variations: ☐ Yes ☒ No If yes, explain: _____

ENTERTAINMENT

Check all that apply:

- ☐ Live Music ☒ Karaoke
☐ Recorded Music ☐ Coin-operated Games
☐ DJ Music ☐ Video Lottery Machines
☐ Dancing ☐ Social Gaming
☐ Nude Entertainers ☐ Pool Tables
☐ Other: _____

DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday _____ to _____
Monday _____ to _____
Tuesday _____ to _____
Wednesday _____ to _____
Thursday _____ to _____
Friday _____ to _____
Saturday _____ to _____

SEATING COUNT

Restaurant: _____ Outdoor: _____
Lounge: _____ Other (explain): _____
Banquet: _____ Total Seating: _____

OLCC USE ONLY

Investigator Verified Seating: (Y) (N)
Investigator Initials: _____
Date: _____

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: [Signature] Date: 07-09-03

1-800-452-OLCC (6522)

www.olcc.state.or.us



August 4, 2003

AGENDA ITEM 8a

**REQUEST TO INITIATE PARTIAL STREET VACATION ON BAILEY
ROAD (PERRY AND JUDY CHAPPELL)**

CITY COUNCIL MEETING: August 4, 2003

AGENDA ITEM NUMBER: _____

TO: MAYOR CHRISTOPHER AND COUNCIL MEMBERS

THROUGH: CHRISTOPHER C. EPPLEY, CITY MANAGER

FROM: E. SHANNON JOHNSON, CITY ATTORNEY

**SUBJECT: *REQUEST TO INITIATE PARTIAL STREET VACATION ON
BAILEY ROAD (CHAPPELL)***

Perry and Judith Chappell have requested that the City Council initiate vacation proceedings for a two foot strip of right-of-way on Bailey Road. This staff report addresses the background behind the matter and outlines some of the issues for Council's consideration.

In the fall of 2002, the Chappells applied to partition the property located at 891 Chemawa Road Northeast. The property is located on the northwest corner of the intersection of Chemawa and Bailey Road. Because the Chemawa Road right-of-way was insufficient for minor arterial standards, the Chappells were required to dedicate additional right-of-way on the Chemawa Road side of their property. After dedication of that property, they did not have enough area to partition the property into three parcels as they first requested. Therefore, they partitioned into two parcels: 1) 5,074 square feet and 2) 7,900 square feet (the subject parcel).

Though the partition decision was final and there was no appeal, the Chappells were interested in being able to further divide the 7,900 square foot parcel. They inquired regarding the street vacation process. Their goal was to vacate a small strip adjacent to their property on Bailey Road in order to increase the parcel size to 8,000 square feet in size. The lot could then be divided into two 4,000 square foot parcels. The Keizer Development Code has a minimum of 4,000 square feet for a zero lot line homes and a minimum of 5,000 square feet for other residential dwelling units.

There are two different processes for street vacation. The first type is a petition-initiated vacation. In that case, the petitioner acquires signatures of 100% of the abutting property owners to the proposed vacation area and two-thirds (as measured by the size of the property) of the "affected area" owners. This "affected area" is generally 200 feet on either side of the proposed vacation property and 400 feet from each end of the proposed vacation property. The second type of vacation procedure is one initiated by the City on its own motion which is discussed later in this staff report.

Chappell Request - Partial Street Vacation

Page 2

The Chappells moved forward to gather sufficient signatures for the petition. In this case, the city hall complex is part of the affected area. Since the City Council may ultimately consider the vacation request after a public hearing, it was not appropriate for the City to sign the petition as a consenting property owner. Even without the City's consent as a property owner, there still remains more than two-thirds of the total affected area left and the Chappells potentially can receive consent from a sufficient number of property owners in order to initiate vacation proceedings. However, the Chappells have so far been unable to gather enough signatures to equal two-thirds of the affected area. Consequently, they have requested that the City initiate vacation proceedings on the City's own motion.

The difference between petition-initiated vacation and the vacation proceeding initiated by the City is that the City-initiated vacation can be accomplished without any signatures from the affected property owners. Only if a majority in the affected area affirmatively object can the vacation be stopped.

However, whether the City or petitioners initiate the process, the question for the City Council is whether the "public interest would be prejudiced" by the vacation. The City has the authority to deny the petition outright without having a public hearing. But the Council must conduct a public hearing in order to vacate the right-of-way.

Prior to reviewing some of the issues, the Council needs to recognize that tonight's meeting is an initial review to determine whether the City wishes to initiate the vacation process. It is not a decision whether to vacate the portion requested. However, to be fair to the Chappells and efficiently use staff time, it would be inappropriate to initiate the vacation proceedings if the Council as a whole has concerns regarding its appropriateness.

The request in this case is somewhat unprecedented. The only similar requests have had to do with realigned streets where the old right-of-way would never be used because the new alignment has replaced it. This has occurred on Trail Avenue and on Dearborn when those roads were realigned many years ago.

Some issues for the Council to consider are as follows:

1. Though it appears that the current 60-foot right-of-way is more than sufficient for this local street, it is not possible to know for certain if the right-of-way could be used in the future.

2. There are several places in the City where this, or a similar situation, occur. Allowing this vacation could open the floodgates as pressure to develop increases and could present problems in terms of processing such requests.
3. In certain instances, vacation procedures have to go through the land use process. Although I do not think this would be true for the Chappell vacation, further research would be necessary.
4. The Chappells have a sympathetic fact situation considering the required dedication on Chemawa Road.
5. Though it is possible that future development on this corner may create some type of complaints, the vacation itself would probably not cause concern. If the property was developed with a new home closer to Chemawa Road, it is possible that the future widening of Chemawa could create a problem.

The policy dilemma in this case can be viewed depending on how you phrase the question. One possible question is "Should a partial street vacation be allowed purely to give a property owner a buildable lot?" The second way of stating the question is "Should a property owner who was required to give up property for right-of-way be hurt again by not allowing another lot due to two feet of right-of-way that will likely never be needed?"

I have enclosed copies of the vacation statutes, the Chappell's letter requesting the vacation, and a map of the area.

RECOMMENDATION:

This matter is a policy decision for Council. Though this is a difficult situation for the Chappells, after weighing the above information I would recommend that the vacation process not be initiated. The Council needs to determine whether the facts in this situation and some of the repercussions weigh in favor of the vacation or against it.

Please contact me if you have any questions in this regard. Thank you.

ESJ/tmh
enclosures

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Chapter 271 — Use of Public Lands; Easements

2001 EDITION

GENERAL PROVISIONS

271.005 Definitions for ORS 271.005 to 271.540. As used in ORS 271.005 to 271.540:

- (1) "Governing body" means the board or body in which the general legislative power of a political subdivision is vested.
- (2) "Governmental body" means the State of Oregon, a political subdivision, the United States of America or an agency thereof.
- (3) "Political subdivision" means any local government unit, including, but not limited to, a county, city, town, port, dock commission or district, that exists under the laws of Oregon and has power to levy and collect taxes. [1981 c.787 §2]

271.010 [Amended by 1965 c.25 §1; 1971 c.287 §1; repealed by 1981 c.153 §79]

271.020 [Amended by 1953 c.283 §3; 1977 c.275 §1; repealed by 1981 c.153 §79]

271.030 [Amended by 1953 c.283 §3; repealed by 1981 c.153 §79]

271.040 [Repealed by 1981 c.153 §79]

271.050 [Repealed by 1981 c.153 §79]

271.060 [Repealed by 1981 c.153 §79]

271.070 [Repealed by 1981 c.153 §79]

VACATION

271.080 Vacation in incorporated cities; petition; consent of property owners. (1) Whenever any person interested in any real property in an incorporated city in this state desires to vacate all or part of

any street, avenue, boulevard, alley, plat, public square or other public place, such person may file a petition therefor setting forth a description of the ground proposed to be vacated, the purpose for which the ground is proposed to be used and the reason for such vacation.

(2) There shall be appended to such petition, as a part thereof and as a basis for granting the same, the consent of the owners of all abutting property and of not less than two-thirds in area of the real property affected thereby. The real property affected thereby shall be deemed to be the land lying on either side of the street or portion thereof proposed to be vacated and extending laterally to the next street that serves as a parallel street, but in any case not to exceed 200 feet, and the land for a like lateral distance on either side of the street for 400 feet along its course beyond each terminus of the part proposed to be vacated. Where a street is proposed to be vacated to its termini, the land embraced in an extension of the street for a distance of 400 feet beyond each terminus shall also be counted. In the vacation of any plat or part thereof the consent of the owner or owners of two-thirds in area of the property embraced within such plat or part thereof proposed to be vacated shall be sufficient, except where such vacation embraces street area, when, as to such street area the above requirements shall also apply. The consent of the owners of the required amount of property shall be in writing. [Amended by 1999 c.866 §2]

271.090 Filing of petition; notice. The petition shall be presented to the city recorder or other recording officer of the city. If found by the recorder to be sufficient, the recorder shall file it and inform at least one of the petitioners when the petition will come before the city governing body. A failure to give such information shall not be in any respect a lack of jurisdiction for the governing body to proceed on the petition.

271.100 Action by council. The city governing body may deny the petition after notice to the petitioners of such proposed action, but if there appears to be no reason why the petition should not be allowed in whole or in part, the governing body shall fix a time for a formal hearing upon the petition.

271.110 Notice of hearing. (1) The city recorder or other recording officer of the city shall give notice of the petition and hearing by publishing a notice in the city official newspaper once each week for two consecutive weeks prior to the hearing. If no newspaper is published in such city, written notice of the petition and hearing shall be posted in three of the most public places in the city. The notices shall describe the ground covered by the petition, give the date it was filed, the name of at least one of the petitioners and the date when the petition, and any objection or remonstrance, which may be made in writing and filed with the recording officer of the city prior to the time of hearing, will be heard and considered.

(2) Within five days after the first day of publication of the notice the city recording officer shall cause to be posted at or near each end of the proposed vacation a copy of the notice which shall be headed, "Notice of Street Vacation," "Notice of Plat Vacation" or "Notice of Plat and Street Vacation," as the case may be; the notice shall be posted in at least two conspicuous places in the proposed vacation area. The posting and first day of publication of such notice shall be not less than 14 days before the hearing.

(3) The city recording officer shall, before publishing such notice, obtain from the petitioners a sum sufficient to cover the cost of publication, posting and other anticipated expenses. The city recording officer shall hold the sum so obtained until the actual cost has been ascertained, when the amount of the cost shall be paid into the city treasury and any surplus refunded to the depositor. [Amended by 1991 c.629 §1]

271.120 Hearing; determination. At the time fixed by the governing body for hearing the petition and any objections filed thereto or at any postponement or continuance of such matter, the governing body

shall hear the petition and objections and shall determine whether the consent of the owners of the requisite area has been obtained, whether notice has been duly given and whether the public interest will be prejudiced by the vacation of such plat or street or parts thereof. If such matters are determined in favor of the petition the governing body shall by ordinance make such determination a matter of record and vacate such plat or street; otherwise it shall deny the petition. The governing body may, upon hearing, grant the petition in part and deny it in part, and make such reservations, or either, as appear to be for the public interest.

271.130 Vacation on council's own motion; appeal. (1) The city governing body may initiate vacation proceedings authorized by ORS 271.080 and make such vacation without a petition or consent of property owners. Notice shall be given as provided by ORS 271.110, but such vacation shall not be made before the date set for hearing, nor if the owners of a majority of the area affected, computed on the basis provided in ORS 271.080, object in writing thereto, nor shall any street area be vacated without the consent of the owners of the abutting property if the vacation will substantially affect the market value of such property, unless the city governing body provides for paying damages. Provision for paying such damages may be made by a local assessment, or in such other manner as the city charter may provide.

(2) Two or more streets, alleys, avenues and boulevards, or parts thereof, may be joined in one proceeding, provided they intersect or are adjacent and parallel to each other.

(3) No ordinance for the vacation of all or part of a plat shall be passed by the governing body until the city recording officer has filed in the office of the city recording officer or indorsed on the petition for such vacation a certificate showing that all city liens and all taxes have been paid on the lands covered by the plat or portion thereof to be vacated.

(4) Any property owner affected by the order of vacation or the order awarding damages or benefits in such vacation proceedings may appeal to the circuit court of the county where such city is situated in the manner provided by the city charter. If the charter does not provide for such appeal, the appeal shall be taken within the time and in substantially the manner provided for taking an appeal from justice court in civil cases. [Amended by 1995 c.658 §101]

271.140 Title to vacated areas. The title to the street or other public area vacated shall attach to the lands bordering on such area in equal portions; except that where the area has been originally dedicated by different persons and the fee title to such area has not been otherwise disposed of, original boundary lines shall be adhered to and the street area which lies on each side of such boundary line shall attach to the abutting property on such side. If a public square is vacated the title thereto shall vest in the city. [Amended by 1981 c.153 §58]

271.150 Vacation records to be filed; costs. A certified copy of the ordinance vacating any street or plat area and any map, plat or other record in regard thereto which may be required or provided for by law, shall be filed for record with the county clerk. The petitioner for such vacation shall bear the recording cost and the cost of preparing and filing the certified copy of the ordinance and map. A certified copy of any such ordinance shall be filed with the county assessor and county surveyor.

271.160 Vacations for purposes of rededication. No street shall be vacated upon the petition of any person when it is proposed to replat or rededicate all or part of any street in lieu of the original unless such petition is accompanied by a plat showing the proposed manner of replating or rededicating. If the proposed manner of replating or rededicating or any modification thereof which may subsequently be made meets with the approval of the city governing body, it shall require a suitable guarantee to be

given for the carrying out of such replatting or rededication or may make any vacation conditional or to take effect only upon the consummation of such replatting or rededication.

271.170 Nature and operation of statutes. The provisions of ORS 271.080 to 271.160 are alternative to the provisions of the charter of any incorporated city and nothing contained in those statutes shall in anywise affect or impair the charter or other provisions of such cities for the preservation of public access to and from transportation terminals and navigable waters.

led
714-03

P O Box 21424
Keizer, OR 97307
(503) 390-1499

July 13, 2003

City Council
Keizer, Oregon

In the Fall of 2002, we applied for and received a partition of our property located at 891 Chemawa NE and consequently changed to 5015 Bailey NE as a result of that partition. As a requirement for the partition, we were forced to give an additional 10' of property on Chemawa without compensation as a right of way to the City. This caused our remaining property to be reduced in size to 7900 sq. ft. - too small to be partitioned and, therefore, reduced the value of the property.

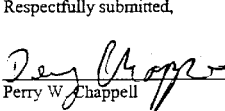
In the Spring of 2003, we applied to the City for a vacation of right of way of 2' of property on Bailey which would provide an additional 218 sq ft to our property. We collected required signatures of all abutting property owners, as well as signatures of 16 affected properties; however, according to the requirements of the vacation of right of way application, we did not have required signatures of 2/3 of the property area located within 400 ft of our property.

Among those properties were five owned by the City of Keizer. We were unable to obtain signatures for these properties due to a conflict of interest according to the City Attorney. Also, among the properties were one property in foreclosure with no owner at the time, plus two of the largest parcels (one owned by Qwest and one multiple housing complex), both of which have out of state owners. We have sent letters to each of these, but have received no response to date.

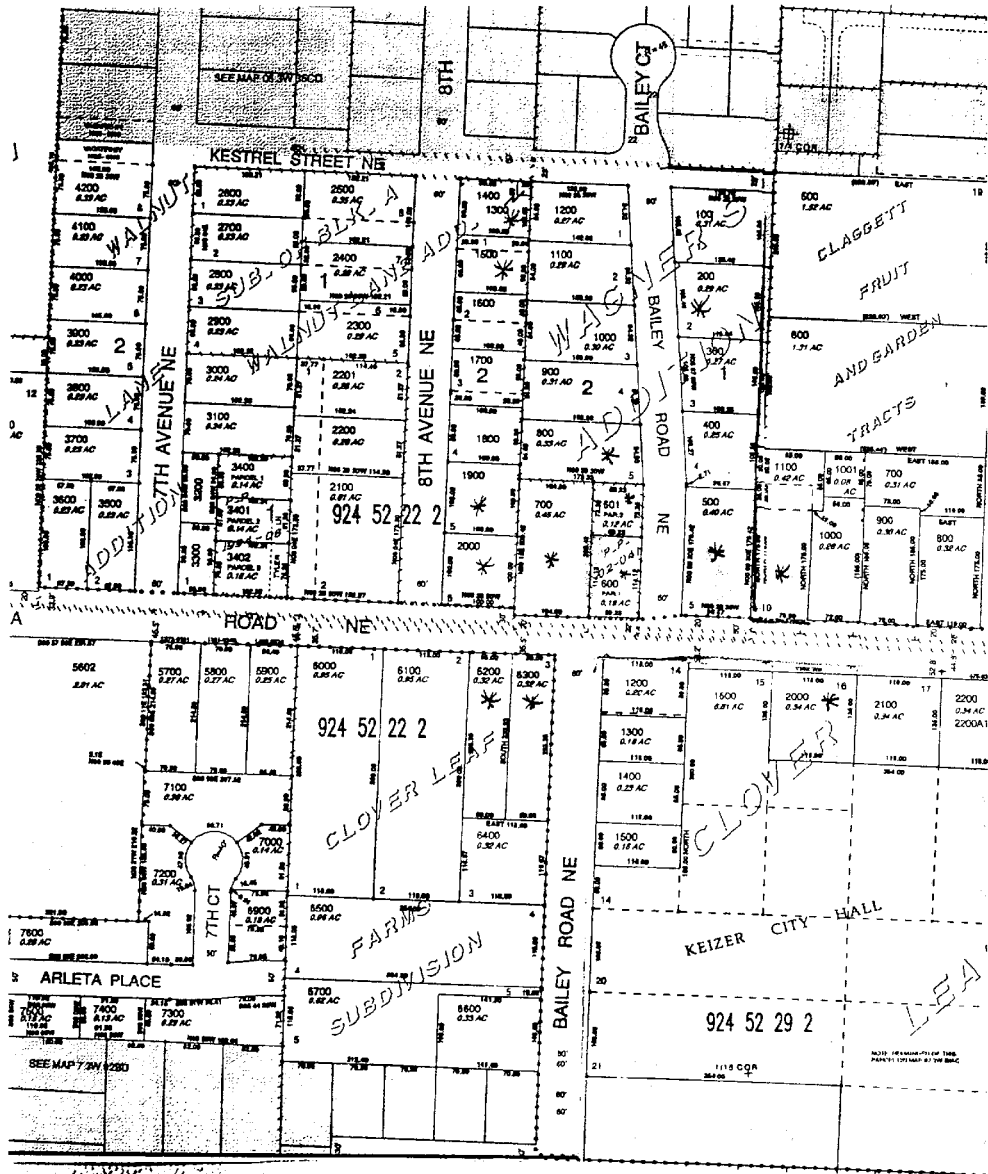
It is for this reason that we now appeal to the City of Keizer to exercise its option authorized by ORS 271.080 to initiate vacation proceedings.

Thank you for your consideration of this matter.

Respectfully submitted,


Perry W. Chappell


Judith F. Chappell



34 parcels

17 signatures