

ORDINANCE NO. 2167

AN ORDINANCE providing for and ordering the improvement of a portion of Vista Del Rio Road by the installation of an 8-inch water main, fire hydrants, pressure reducing valves, and other appurtenances; creating Local Improvement District No. 220; providing for the payment of the cost of such improvement by special assessments on the property within said Local Improvement District; and creating a Local Improvement District No. 220 Fund.

WHEREAS, the City Council of the City of Camas finds that on or about January 30, 1998, a petition was filed with the City Clerk requesting the creation of a Local Improvement District for the purpose of improving a portion of Vista Del Rio Road by the installation of an 8-inch waterline and related appurtenances; and

WHEREAS, the City Council of the City of Camas further finds that the City Engineer has submitted his report to the City Council showing that the petition was signed by 82.83% of the owners of the property within the assessment district to be created; and

WHEREAS, the City Council of the City of Camas further finds that the City Engineer has submitted to the Council all of the information required by law, including preliminary plans and specifications for the proposed project, the amount of outstanding and unpaid assessments within the proposed district, the total assessed valuation of the district, a preliminary assessment role showing the estimated amount to be assessed against the properties within the district, and a diagram of the lots, tracts and parcels of land and other property which will be benefitted by the improvement; and

WHEREAS, the City Council of the City of Camas further finds that the City Engineer has submitted to the Council the estimated costs of the construction of the project at \$49,926.62, and

WHEREAS, the Council of the City of Camas held a public hearing on said petition for the formation of a Local Improvement District on May 26, 1998, at which time the Council heard testimony from persons for and against the formation of the Local Improvement District; and

WHEREAS, the City Council of the City of Camas further finds that the City Engineer has recommended that the Council proceed with the improvement,

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CAMAS DO ORDAIN
AS FOLLOWS:

Section I

It is hereby ordered that a portion of Vista Del Rio Road be improved by the installation of an 8-inch water main, fire hydrants, pressure reducing valves, and appurtenances. The work to be done is shown upon the preliminary plans and specifications on file in the office of the City Engineer, and said plans and specifications are hereby adopted and incorporated by reference under this ordinance. The improvements provided for herein shall be constructed in strict conformity with the final plans and specifications when such plans are completed.

Section II

The cost of said improvement, including all necessary and incidental expenses of engineering, surveying, clerical and other items as provided by law, shall be borne and paid by special assessments levied and assessed against the properties included in the Local Improvement District created herein. The City of Camas shall not be liable in any manner for any of the costs and expenses of said improvement to be borne by the Local Improvement District created herein.

Section III

There is hereby created and established Local Improvement District No. 220, which shall include all the properties specifically benefitted by the improvements herein provided for. Those properties are more particularly described as Lots 1 thru 7 inclusive of Vista Del Rio Road.

Section IV

Warrants or promissory notes of said Local Improvement District bearing interest at a rate not to exceed twelve (12%) percent per annum and payable on or before twelve (12) years from the date of issuance shall be issued in payment of the costs and expenses of the improvements provided for herein. Said warrants or notes shall be redeemed by the collection of special assessments to be levied and assessed upon the property within the district, payable in ten (10) equal annual installments with interest at a rate not to exceed twelve (12%) percent per annum. Assessments or installments of assessments not paid when due shall be delinquent and there shall be added to the same an annual penalty in an amount equal to five (5%) percent of the amount of overdue installments and interest, and such penalty shall become a part of the lien upon the property so assessed.

Section V

There is hereby created in the office of the Treasurer of the City of Camas a fund of the City to be known as "Local Improvement District No. 220 Fund". All monies received in payment of the assessments to be levied as herein provided shall be place in said fund and shall be used solely for the retirement of the warrants or promissory notes of this Local Improvement District. Warrants shall be drawn on said fund based on estimates of the Engineer of the City of Camas in payment of the costs of construction and installation of said improvement. Promissory notes shall be delivered to the contractor in redemption of said warrants, or the City of Camas may, at its election, sell such promissory notes and make such redemption in cash.

Section VI

This ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED by the Council and APPROVED by the Mayor this 26th day of May, 1998.

SIGNED: _____

Mayor

ATTEST: _____

Clerk

APPROVED as to form:

City Attorney

AGREEMENT

AGREEMENT made this day by and between the CITY OF CAMAS, a municipal corporation of the State of Washington, hereinafter referred to as “City”, and MILTON O. BROWN, a single person, hereinafter referred to as “Brown”,

RECITALS

1. City has formed Local Improvement District No. 220 for the installation of an 8-inch water line, fire hydrants, pressure reducing valves, and other appurtenances.
2. The proposed improvements are to be located in Vista del Rio Road, a private road.
3. In order to finalize the improvement, it is necessary to obtain an easement from all property owners of Vista del Rio Road.
4. Brown is an owner of Vista del Rio Road and has agreed to execute an easement subject to certain considerations as hereinafter set forth.

NOW, THEREFORE, in consideration of the mutual covenants and conditions contained herein, the parties agree as follows:

Section 1. GRANT OF EASEMENT. Concurrent with the execution of this Agreement, Brown agrees to execute an easement in favor of City in the form attached hereto as Exhibit “A” and by this reference incorporated herein.

Section 2. CITY COVENANTS. City covenants and agrees as follows:

2.1. City agrees to provide at City’s expense a water meter box for an additional water meter for irrigation purposes for the Brown property. The City may satisfy this obligation by installing a second water meter box next to the present meter box, or by replacing the existing meter box with a larger meter box which would accommodate two water meters. Installation of

the type of box shall be at City's discretion. The cost of installation of the water meter for irrigation purposes and installation of irrigation lines shall be the responsibility of Brown, or his successors, at such time as connection to the City water system for irrigation purposes is desired.

2.2. City agrees to install an irrigation conduit from the meter box underneath the driveway to a location in the landscape area. The total distance for the irrigation conduit is approximately twenty (20') feet. The City further agrees to repair any damage to the driveway surface caused by the installation of such irrigation conduit.

2.3. City agrees to tap the private water system line on the northwest side of the garage on the Brown property, and install a main line valve and a one-inch service tap. The City agrees to undertake such work by hand and to restore the premises to its original condition.

2.4. The tap on the private water system shall be completed within twenty (20) days of the signature of this Agreement by both parties.

2.5. The City agrees to do limited grinding in the driveway adjacent to the new service line to remove existing root intrusions, and then to repair the driveway surface to its prior condition. The City further agrees to repair the patch in the driveway made in disconnecting the original service line.

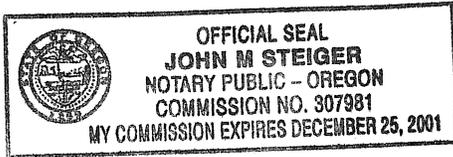
2.6. Upon completion of the repairs to the existing driveway surface, the City agrees to apply a slurry coat to the existing asphalt driveway area located on the Brown property.

Section 3. LIMITS TO CITY'S OBLIGATIONS. The City shall have no obligation to level the existing driveway, and the City shall have no obligation to install any asphalt mounding. Brown agrees to indemnify and hold the City harmless from all surface water and drainage problems currently existing or that hereinafter arise with respect to the driveway on the Brown

~~STATE OF WASHINGTON~~)
) *Oregon*)
) *Washington*) ss.
) ~~CLARK~~) *ss.*

On this day personally appeared before me MILTON O. BROWN, to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this 6th day of July, 2000.



J. M. Steiger

 NOTARY PUBLIC in and for the State of
~~Washington~~ *Oregon*, residing at Lake Oswego.
 My commission expires: 12-25-2001.