

RESOLUTION NO. 3584

RESOLUTION TO ESTABLISH THE METHOD OF ASSESSMENT  
FOR A SEWER IMPROVEMENT PROJECT NO. 4-2009  
NE 56<sup>TH</sup> STREET SEWER  
AND TO ESTABLISH THE AMOUNT TO BE ASSESSED  
TO EACH BENEFITTED PROPERTY  
AS REQUIRED BY NMC 12.05.045(B).

FINDINGS:

1. On August 17, 2009, the Council of the City of Newport, Oregon ("City"), adopted Resolution No. 3478 requiring the City Engineer to make plans and specifications for the improvement of the following area:

Beginning at the northeasterly corner of the intersection of the easterly right-of-way line of U.S. Highway 101 and the North right-of-way line of NE 56<sup>th</sup> Street in the northwesterly quarter of the northeasterly quarter of Section 29, Township 10 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence East along said North right-of-way line NE 56<sup>th</sup> Street, a distance of 366.01 feet, to the southwesterly corner of the Douglas T. Bryant and Janice L. Bryant Tract described as Article (N) in the AGATE BEACH MASS BOUNDARY LINE AGREEMENT, recorded April 17, 2007, in DOC200705548, Deed Records for Lincoln County, Oregon; thence North 01°27'33", a distance of 148.84 feet, along the west line of said Bryant Tract to a point; thence continuing along said west line of the Bryant Tract North 00°08'07" West, a distance of 8.98 feet, to the northwesterly corner of said Bryant Tract; thence South 89°34'03" East along the northerly line of said Bryant Tract, a distance of 98.07 feet, to a point; thence continuing along said northerly line of the Bryant Tract South 89°10'26" East, a distance of 12.00 feet, to the northwesterly corner of the Sylvia I. Danielson Tract, described as Article (M) in the AGATE BEACH MASS BOUNDARY LINE AGREEMENT, recorded April 17, 2007, in DOC200705548, Deed Records for Lincoln County, Oregon; thence South 89°10'26" East along the northerly line of said Danielson Tract, a distance of 87.27 feet, to the northeasterly corner of said Danielson Tract; thence South 00°04'11" East along the easterly line of said Daniel Tract, a distance of 25.00 feet, to a point; thence continuing along the easterly line of said Danielson Tract South 00°23'14" East, a distance of 130.99 feet, to said North right-of-way line of NE 56<sup>th</sup>; thence West along said North right-of-way line of NE 56<sup>th</sup> Street, a distance of 46.68 feet, to its intersection with the North extension of the East line of that tract of land conveyed to Debra K. Dypold, by deed, recorded October 4, 2002, in Book 460, page 0447, Microfilm Records for Lincoln County, Oregon; thence South along said North extension of the East line of the Dypold Tract, a distance of 33.25 feet, to the Northeast corner of said Dypold Tract; thence South along said East line of the

Dypold Tract, a distance of 200.00 feet, to the Southeast corner of said Dypold Tract; thence North 89°22'27" West along the southerly line of said Dypold Tract, a distance of 98.99 feet, to the Southwest corner of said Dypold Tract; thence North along the most West line of said Dypold Tract, a distance of 101.00 feet, to its intersection with the southerly line of that tract of land conveyed to Anna Elfering, by deed, recorded August 31<sup>st</sup>, 1984, in Book 153, page 1366, Microfilm Records for Lincoln County, Oregon; thence North 89°25'43" West, a distance of 32.92 feet, to the southwesterly corner of said Elfering Tract; thence North 00°41'00" West along the westerly line of said Elfering Tract, a distance of 100.04 feet; to the southerly right-of-way line of NE 56<sup>th</sup> Street; thence South 89°25'43" East, along said southerly right-of-way line of NE 56<sup>th</sup> Street, a distance of 27.26 feet, to its intersection with the southerly extension of the westerly line of said Bryant Tract; thence North 01°27'33" East along said southerly extension of the westerly line of said Bryant Tract, a distance of 32.13 feet, to said southwesterly corner of said Bryant Tract, said southwesterly corner of the Bryant Tract being said point of beginning.

The City Engineer's plans and specifications described the construction of a sewer improvement, the estimates of work to be done on portions of the improvement, the probable costs thereof, and a proposed method of assessment. The City Engineer filed such plans, specifications and estimates in the Recorder and Finance offices of City on the day of August 17, 2009; and

2. The City Council on the 17th day of August, 2009, by Resolution No. 3478 resolved in a public meeting to make the above described improvement; and
3. The City received an insufficient amount of remonstrances after notice was given which prevented the Council from proceeding with the improvement. The City Council, on the 17th day of August, 2009, passed Resolution No. 3478, adopting the Engineer's Report, directing that the construction proceed, and further directing that this Resolution be prepared that the cost of the improvement be assessed to the properties directly benefitting; and
4. Such improvements have been authorized by the City Council and the estimated cost thereof has been ascertained by the City Engineer; and
5. The proposed assessments are based upon the Engineer's Final Report.

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. That the portion of the cost of making the above described improvements of the above described area by construction of the improvement in the manner deemed by the City Council by Resolution No. 3456 and Resolution No. 3478 be paid by the owners of the real properties benefitted and included within the district is hereby declared to be the total sum of \$41,656.00.



Anna Elfering \$10,414.00  
136 NE 56<sup>th</sup> Street  
Newport, OR 97365

Beginning at the intersection of the Easterly right-of-way line of the relocated Oregon Coast Highway with the South line of the Northeast quarter of the Northwest quarter of Section 29, Township 10 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence North 16°44' West along said right-of-way 209.60 feet to the Southerly line of a 30 foot road; thence South 89°19' East, along said road, 328.75 feet to the true point of beginning of the tract herein to be described; thence South 89°19' East along said road, 100.0 feet; thence South 00°41' West, 100.0 feet; thence North 89°19' West, 100.0 feet; thence North 00°41' East, 100.0 feet to the true point of beginning. Aka: Tax Map 10-11 29BA, Tax Lot 2100

Debra K. Dypold \$10,414.00  
138 NE 56<sup>th</sup> Street  
Newport, OR 97365

Beginning at the intersection of the Easterly right-of-way line of the relocated Oregon Coast Highway with the South line of the Northeast quarter of the Northwest quarter of Section 29, Township 10 South, Range 11 West of the Willamette Meridian, in Lincoln County, Oregon; thence South 89°19' East, along said South line of the Northeast quarter of the Northwest quarter, 300 feet to the true point of beginning of the tract herein to be described; thence continuing South 89°19' East along said South line, 100 feet to the Southeast corner of the tract as described in Book 107, Page 19, Deed Records for Lincoln County, Oregon; thence North along the East line of said Tract, 200 feet to the Northeast corner of said tract; thence North 89°19' West, along the South line of a 30 foot road and the North line of said Tract, 31.60 feet to the Northeast corner of the John Davis Tract; thence South 00°41' West, along the East line of said Davis Tract, 99 feet; thence Westerly along the Southerly line of said Davis Tract, 67.20 feet; thence South 101 feet to the true point of beginning. EXCEPTING any portion falling within the said Davis Tract recorded in Book 167, Page 166, Deed Records. Aka: Tax Map 10-11 29BA, Tax Lot 2401

**Section 3.** The City Recorder is ordered and directed to immediately enter a statement of the assessments made and declared by this Resolution, together with the names of the respective owners of such tax lots above described, in the docket of City liens of the City of Newport and to give notice of such liens as provided by law.

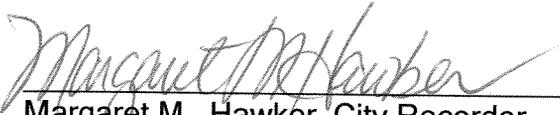
**Section 4.** Each assessment, if not paid within 30 days after the date the Final Notice of such assessment is mailed shall bear interest at a rate of 9 percent per year until paid, unless the property owner applies to pay all or part of such assessment in installments, in which case the portion of such assessment to be paid in installments shall bear interest at the rate of 3 ½ percent per year.

Adopted by the Newport City Council on March 19, 2012.

Signed on April 2, 2012.

  
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Mark McConnell, Mayor

ATTEST:

  
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Margaret M. Hawker, City Recorder