

Exhibit A**17.04.010 Definitions.****A. – D. No Changes**

E. “City Engineer” means the duly appointed City Engineer, or appropriate designees.

Remainder of Section unchanged**17.28.140 City Charges for Construction or Repair of Sidewalks, Curbs and Driveways.**

(Amended by Ordinance No. 182760, effective June 5, 2009.) The property owner shall be charged for the construction, reconstruction or repair of sidewalks, curbs and driveways. The cost for the City to have repairs made will be assessed as a lien upon the property.

A. – B. No Changes**17.28.150 Billing for Charges**

A. When work is completed by the City on any construction, reconstruction or repair of a sidewalk, curb or driveway, the amount of the charge shall be determined by the City Engineer ~~or responsible bureau~~ and reported to the Revenue Division. The Revenue Division shall calculate a proposed assessment that includes the amount of the improvement charge plus 10% of the charge to defray the administrative costs of notice, assessment and lien recording.

B. The Revenue Division shall prepare a proposed assessment notice for the owner of each property or the owner’s agent of the affected property as shown in the County tax records. The notice shall be mailed at least 21 calendar days before the public hearing on the proposed assessment, and the notice shall consist of the following information:

1. The legal description and site address of the property;
2. The amount of the proposed assessment against the property;
3. The manner and deadline for filing a written remonstrance to the proposed assessment amount;
4. The date, time and location of the public hearing for Council consideration of the proposed assessment; and
5. Contact information for sidewalk repair.

C. Any owner of property proposed to be assessed for sidewalk repair, may file a remonstrance to the proposed assessment with the Revenue Division. The remonstrance must be in writing and received by the Revenue Division via US mail or hand delivered no later than 5:00 PM eight (8) calendar days prior to the hearing by the City Council on

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the proposed final assessment. Upon receipt of a timely filed remonstrance the Revenue Division shall remove the property from the filing of the proposed assessment before the ~~council~~ City Council hearing date, and shall refer the remonstrance to the responsible bureau for follow-up and response.

D. The Revenue Division shall mail the proposed assessment notice by first class mail to the owners of the affected property. The notice shall be deemed given upon deposit in the U.S. mail.

17.28.160 Assessment of Charges.

A. The Revenue Division shall refer to the City Engineer or responsible bureau all remonstrances and remove from further assessment action the proposed assessments which are associated with the remonstrances. The City Engineer or responsible bureau shall review each remonstrance by taking the following actions:

1. Determine whether the improvement work was required by Code and whether the conditions required the improvements, whether the required improvements are consistent with Code and City specifications, and whether the improvement charges are calculated as provided by Code; and

2. Determine the extent of actions or adjustments which are necessary to bring the proposed assessment into compliance with Code and program standards; and

3. Mail a statement of findings to the remonstrating property owner, and file a copy with the Revenue Division. The findings shall include a statement that the property owner may appeal the determination, ~~to the Council.~~

4. If a property owner concludes that this determination is not consistent with City Code, they may request an appeal before a Code Hearings Officer under the provisions of Portland City Code Chapter 22.10. The associated property will be removed from further assessment action until the appeal is resolved. The Code Hearings Officer shall notify the appellant and the Revenue Division of their determination. The affected property will be included in the next group assessment for City Council approval, unless the Code Hearings Officer annuls, reverses, or remands the assessment or the Code Hearings Officer's decision is appealed by writ of review.

~~**B.** The Council shall conduct a public hearing on the proposed assessments, however is should be held no sooner than 20 days following the date of the proposed assessment notice as provided in this Chapter. The Council shall consider and make its determinations based on the requirements of this Code and the City specifications maintained by the City Engineer. The Council shall affirm or modify the proposed assessments based on its findings. The Council's decisions shall be implemented by ordinance which sets forth its findings and decision. The decision of the Council may be appealed to the court by writ of review.~~

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CB. Following adoption of the assessing ordinance, the Revenue Division shall mail a final assessment notice to the owners of the affected property as shown on the last available assessment roll in the office of the county assessor. The notice shall be deemed given upon deposit in the U.S. mail. The notice shall contain the following information:

1. The legal description and site address of the property;
2. The final assessment amount;
3. A statement that the final assessment is recorded in the Docket of City Liens, and is a lien which has first priority against the property as provided by state statute;
4. The manner and deadline for paying the final assessment in full or requesting to pay the final assessment in installments if authorized by Code;
5. The interest, penalties and collections costs which shall be charged if the final assessment is not paid or an installment payment contract is not filed before the deadline contained in the notice; and
6. A statement that delinquent final assessments may be collected by foreclosure and property sale.

DC. The Revenue Division shall maintain a Docket of City Liens containing final assessments on property. Any unpaid final assessment shall be recorded in the City lien docket, and it shall be binding upon the property owner and all subsequent property owners of the property or any segregated part of it. The docket shall stand thereafter as a lien docket the same as ad valorem property taxes assessed in favor of the City against each lot or parcel of land until paid, for the following:

1. The amount of the unpaid final assessments docketed, with accrued interest at the rate determined by the City Council, or in the case of an installment contract, at the rate set forth in the contract; and
2. Any additional interest, penalties, or billing charges imposed by the City with respect to any installments of final assessments which are not paid when due.

ED. All unpaid final assessments together with accrued and unpaid interest and penalties and billing charges are a lien on each lot or parcel of land respectively, in favor of the City and the lien shall have first priority over all other liens and encumbrances whatsoever.

FE. The City shall enforce assessment liens and installment payment contracts under this Chapter in the same manner as other City assessments as set forth in Title 5.