

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Final Assessment Roll)
for the Blaha Road Improvement Project) Order No. ¹⁷~~65~~-2004

WHEREAS, pursuant to Order No. 67-2004, the Columbia County Public Works Department made improvements to Blaha Road, including a new 3" depth of asphalt to a width of 20' and gravel shoulders for approximately 1300' (the "Project"); and

WHEREAS, on March 11, 2005, Dave Hill, Columbia County Public Works Director, filed a report with the Board of County Commissioners and the County Clerk, ascertaining the amount of the assessment to the respective lots or parcels specially benefitted from the Project; and

WHEREAS, on March 14, 2005, notice of a public hearing on confirmation of the final assessment roll was duly mailed to each owner of property within the Project area pursuant to Ordinance No. 85-5 and ORS 371.645; and

WHEREAS, on April 6, 2005, the Board of County Commissioners held a hearing to hear objections to the proposed assessment; and

WHEREAS, during the hearing objections were heard from Teresa and Adam Sommers, Stephen Hammergren, and Norm Anderson¹;

NOW, THEREFORE, it is hereby ordered as follows:

1. The Board of County Commissioners makes the following findings with respect to the objections/comment received:

A. Stephen Hammergren, 33395 Blaha Road, Warren, objected to the assessment because he purchased the property from Greg Phillips and Megan Holbrook without notice of the assessment and therefore should not be held accountable for the assessment. Mr. Hammergren purchased tax account no. 4212-000-01800 from Greg Phillips and Megan Holbrook on February 9, 2005. Mr. Philips signed the petition asking the County to make the improvements, and was sent numerous communications from the County regarding the proposed improvements, including a copy of the order authorizing the improvements to be made with an approximate assessment that would be due. The Board finds that Ordinance No. 85-5 does not specify when an order authorizing improvements must be recorded in the lien records. Therefore, the Board finds that recording the

¹ Dave Hill presented Mr. Anderson's concerns/comments regarding the DeShazer Assessment.

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order after Mr. Hammergren purchased the property did not violate the Ordinance. According to Ordinance No. 85-15, notice of an assessment must be sent to the current owner of the property. Therefore, the County must send the assessment to Mr. Hammergren rather than to the prior property owner. Ordinance No. 85-15 also provides that the assessment lien shall be on the benefitted property which is currently owned by Mr. Hammergren. The Board finds that it is unfortunate that the assessment was not disclosed by the prior owner during the property sale. Nevertheless, the Board finds that Mr. Hammergren's property is specially benefitted by the improvements and therefore, should be assessed the full amount.

B. Adam and Teresa Sommers, 33343 Blaha Road. Adam and Teresa Sommers objected to the assessment because they purchased the property without notice of the assessment and therefore should not be held accountable for it. The Sommers purchased the tax account no. 4212-000-1801 from Greg Phillips and Megan Holbrook on August 6, 2004, which was prior to the date that the Board approved the improvements. Therefore, even if the County had recorded the order immediately after it was signed, the order would not have served as notice of the proposed assessment prior to the purchase. Ordinance No. 85-15 provides that notice of an assessment must be sent to the current owner of the property. Therefore, the County must send the assessment to Adam and Teresa Sommers rather than to the prior property owner. Ordinance No. 85-15 also provides that the lien shall be on the benefitted property which is currently owned by the Sommers. The Board finds that it is unfortunate that the potential assessment was not disclosed by the prior owner during the property sale. Nevertheless, the Board finds that the Sommers' property is specially benefitted by the improvements and therefore, should be assessed in the full amount.

C. Norm Anderson, 33370 Blaha Road. Mr. Anderson objected to the assessment because he feels that the Craig and Coleen DeShazer property, tax account #4213-000-00102, was recently partitioned and both resulting parcels should be assessed, thereby reducing the amount he should pay. The Board of County Commissioners finds that while a preliminary partition plat has been approved by the County, only one of the resulting parcels (Parcel 2) will be accessed by Blaha Road. The second resulting parcel (Parcel 1) will be accessed by Bennett Road. The Public Works Department has flagged that parcel in Land Development Services and the Road Department so that when development permits are sought, access will be required from Bennett Road. The Board finds that based on the foregoing information, the DeShazers own only one parcel that is specially benefitted by the Project. Therefore, the DeShazers should be assessed for only one parcel.

2. The Board of County Commissioners, having made all revisions to the roll it deems necessary, hereby finds and determines that the final assessment roll for the Project is just and equitable, and that no assessment against property within the Project area is greater than the special benefits to be derived from the improvements. Accordingly, the final assessment roll, in the total amount of Thirty-three Thousand, One Hundred Seventy-One Dollars and Sixty-Nine cents (\$33,171.69), is hereby approved and confirmed, and the assessments set forth therein are hereby levied against each lot, tract and parcel of property.

3. The Board of County Commissioners hereby certifies the attached Exhibit A, which lists

each specially benefitted parcel the Project area, the record owner of each parcel and the amount of assessment against each such parcel. The County Clerk is hereby directed to endorse thereon the date of the filing thereof and index it in the lien docket that was used to record Order No. 67-2004 of the County. The assessments and interest are a lien upon the land against which the same are assessed from the date of filing Order No. 67-2004 with the County Clerk. No transfer, sale or division of any such parcel, or change in the legal description thereof, shall in any way divest the lien from the original parcel and the whole thereof. The lien has priority over all other liens and encumbrances whatsoever, except tax liens. Upon payment of an assessment in full, the Board shall satisfy the same by a notation in the lien docket, and the parcel of land charged with such assessment shall be thereby discharged from the lien.

4. Upon receipt of the final assessment roll for the Project, the County Clerk is hereby directed to send notice to each property owner within the Project area, stating that said roll is in her hands for collection and that such assessments or any portion thereof may be paid at any time within thirty (30) days from the date of this order without penalty, interest or costs.

5. If within 10 days after notice of the assessment is mailed, a property owner files with the County Clerk an application to pay the assessments in installments pursuant to ORS 223.215, the amount of any assessment, or any portion thereof, not paid within the 30 day period from the date of the certification of the assessment roll may be payable in twenty (20) equal semi-annual installments. The assessments payable in installments shall be payable together with interest on the diminishing principal balance thereof at a rate of nine percent (9%) per annum. Each owner of property within the project area shall have the right to apply for installment payments of the assessment as provided in ORS 223.215. Interest on assessments payable in installments shall commence on the thirtieth (30th) day following certification of such assessment roll. The first installment shall become due and payable six (6) months from the date of assessment in the lien docket, and subsequent payments shall be paid at the expiration of each semi-annual period thereafter. Semi-annual installments, including interest and any penalty, shall be paid in full when due, and no partial payment shall be accepted by the County Clerk.

6. Any installment not paid when due shall thereupon become delinquent. All delinquent installments shall be subject to a penalty equal to nine percent (9%) per annum or the amount provided by law, whichever is less, of the amount of the installment, including interest, from the date of the delinquency until paid.

7. The lien of any assessment may be discharged at any time after the thirty (30) day prepayment period herein provided for by payment of the entire principal amount of the assessment remaining unpaid together with interest thereon to the due date of the next installment.

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8. The County Clerk shall endorse upon this Order the date of the filing hereof and record and index said Order in the lien docket in the office of the County Clerk, without cost.

Dated this 4th day of May, 2005.

Approved as to form

By: Sarah Tyson
County Counsel's Office

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: [Signature]
Anthony Hyde, Commissioner

By: [Signature]
Rita Bernhard, Commissioner

By: [Signature]
Joe Corsiglia, Commissioner

EXHIBIT "A"

BLAHA ROAD IMPROVEMENT PROJECT

ASSESSMENT ROLL

RECORD OWNER	TAX ACCOUNT #	ADDRESS	SITUS LEGAL DESCRIPTION RECORDS	ASSESSMENT
Carsner, Charles and Yvonne	4212-000-02201	33501 Blaha Road, Warren, OR 97053	Book 242, Page 372	\$1,070.05
Booth, Margaret and Skowhede Revocable Trust	4212-000-01200	P.O. Box 81 St. Helens, OR 97051	Instrument No. 93-10054	\$1,070.05
Anderson, Norman and Janet	4212-000-01400	33370 Blaha Road Warren, OR 97053	Book 259, Page 344; Instrument No. 94-10520	\$1,070.05
Swartz, John and Carol	4212-000-01500	33392 Blaha Road Warren, OR 97053	Book 176, Page 89; Instrument No. 03-19497	\$1,070.05
May, John and Judy	4212-000-01600	PO Box 51 Columbia City, OR 97018	Instrument No. 00-09650, 00-09651, 00-09058. Lot 1, Crown Point Subdivision, Columbia County, OR	\$1,070.05
Wear, Sheryl	4212-000-01601	33411 Blaha Road Warren, OR 97051	Instrument No. 92-6169; 95-00766	\$1,070.05
Morse, Douglas H. and Jennifer	4212-000-01605	33373 Crown Point Drive Warren, OR 97053	Instrument No. 00-09058; 01-01658; 04-09248. Lot 2, Crown Point Subdivision, Columbia County, OR	\$1,070.05
Terry and Bonnie Moss	4212-000-01606	33355 Crown Point Drive Warren, Or 97053	Instrument No. 00-09058; 01-08755; 01-08756. Lot 3, Crown Point Subdivision, Columbia County, OR	\$1,070.05
Harrel, Garr and Margaret	4212-000-01607	33328 Crown Point Drive Warren, OR 97053	Instrument No. 01-07319; 01-07320; 03-09036. Lot 4, Crown Point Subdivision, Columbia County, OR	\$1,070.05
Moore, David and Conyers, Sherri	4212-000-01608	33336 Crown Point Drive Warren, OR 97053	Instrument No. 00-09058; 01-09968; 01-09969. Lot 5, Crown Point Subdivision, Columbia County, OR	\$1,070.05

Aaron and Michelle Lee	4212-000-01609	33382 Crown Point Drive Warren, Or 97053	Instrument No. 00-09058; 01-09236; 01-09237. Lot 6, Crown Point Subdivision, Columbia County, OR	\$1,070.05
Lee, Byron A and Kathleen A	4212-000-01610	P.O. Box 1058 St. Helens, OR 97051	Instrument No. 00-09058; 01-07649; 01-07650. Lot 7, Crown Point Subdivision, Columbia County, OR	\$1,070.05
Munger, Casey and Mary Jan	4212-000-01700	33415 Blaha Road Warren, OR 97053	Book 261, Page 801; Instrument No. 98-02266	\$1,070.05
Hammergren, Stephen L and Marlene	4212-000-01800	33395 Blaha Road Warren, OR 97053	Instrument No. 03-09848; 03-19507; 05-01978	\$1,070.05
Sommers, Adam and Teresa L.	4212-000-01801	33433 Blaha Road Warren, OR 97053	Instrument No. 04-10295	\$1,070.05
Coy, Arthur D and Jean M	4212-000-01901	1950 6 th Street Columbia City, OR 97018	Book 204, Page 616; Instrument No. 94-10084	\$1,070.05
Knighton, Bettie E	4212-000-01905	33335 Blaha Road Warren, OR 97053	Instrument No. 89-0947; 04-02552	\$1,070.05
Blaha, Dixie, Trustee, Credit Shelter Trust	4212-000-02204 4212-000-02206	P.O. Box 626 St. Helens, OR 97051	T.L. 2204: Instrument No. 91-7206; P97-028. T.L. 2206: Instrument No. P97-028; P98-039	\$2,140.10
Anderson, Gwendolyn and Bertell, David	4212-000-02208	33551 Blaha Road Warren, OR 97053	Instrument No. P98-039; P98-08427; 03-01985; 03-17986; 04-12306	\$1,070.05
McNulty Water Association	4212-000-02300	34240 Millard Road Warren, OR 97053	Book 168, Page 843	\$1,070.05
Thompson, Noel J and Barbara B	4213-010-00901; 4213-010-00905; 4213-010-00906; 4213-010-1000	33550 Blaha Road Warren, OR 97053	T.L. 901: Book 206, Page 878; Book 224, Page 939; Book 237, Page 700; Misc. 24-341; Instrument No. 93-094; 94-3274; 98-07240. T.L. 905: Instrument No. 98-07240; P98-035. T.L. 906: Instrument No. 98-07240; P98-035. T.L. 1000: Book 213, Page 414.	\$4,280.20
Larson, Raymond A	4213-010-0903	33716 Blaha Road Warren, OR 97053	Instrument No. 89-5196; 93-094; 94-3274	\$1,070.05

Litke, Nicole R and Dean S	4213-010-01100; 4213-010-01200	33510 Blaha Road Warren, OR 97053	T.L. 1100: Instrument No. 90-6144; 04-11162. T.L. 1200: Instrument No. 90-6144; 04-11162.	\$2,140.10
DeShazer, Steven and Michelle	4213-000-00100	3804 NE 22 nd Portland, OR 97212	Instrument No. 92-5450; 92-5456	\$1,070.05
Tupper, Scott and Jodi	4213-000-00101	P.O. Box 742 St. Helens, OR 97051	Book 217, Page 970; Instrument No. 99-03119	\$1,070.05
DeShazer, Craig and Colleen	4213-000-00102 (Parcel 2)	P.O. Box 1092 Scappoose, OR 97056	Instrument # 2005-5944 (Parcel 2) MMP 2005-13	\$1,070.05

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