



City Council Supplemental Agenda  
December 19, 2023  
6:30 PM

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**RESOLUTIONS**

**4.5. THE MATTER OF SATISFYING A LIEN THAT WAS RECORDED BY THE CITY OF HARRISBURG IN 2006, WHICH WAS FURTHER MODIFIED IN 2020, AND WHICH HAS NOW BEEN SATISFIED, BY APPROVING RESOLUTION NO. 1285**

**STAFF REPORT:**

Exhibit A: Resolution No. 1285

Exhibit B: Resolution No. 1226

**ACTION: MOTION TO APPROVE RESOLUTION NO. 1285, " A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HARRISBURG TO STATE THE SATISFACTION OF THE LIEN REFERENCED IN RESOLUTION NO. 857, RECORDED ON FEBRUARY 21, 2006 AS DOCUMENT 2006-04023, AND WHICH WAS FURTHER AMENDED BY RESOLUTION NO. 1226, RECORDED ON MARCH 26, 2020 AS DOCUMENT 2020-05928, FOR THE DEVELOPMENT OF PROPERTY NOW KNOWN AS THE BUTTERFLY GARDEN SUBDIVISION, ALSO KNOWN AS PARTITION PLAT CS 27259"**

**ADJOURN**

Agenda Bill  
**Harrisburg City Council**  
Harrisburg, Oregon

**THE MATTER OF SATISFYING A LIEN THAT WAS RECORDED BY THE CITY OF HARRISBURG IN 2006, WHICH WAS FURTHER MODIFIED IN 2020, AND WHICH HAS NOW BEEN SATISFIED, BY APPROVING RESOLUTION NO. 1285**

**STAFF REPORT:**

Exhibit A: ResolutionNo. 1285

Exhibit B: Resolution No. 1226

**THIS AGENDA BILL IS DESTINED FOR:** Agenda – December 19, 2023

| <b>BUDGET IMPACT</b> |           |                 |
|----------------------|-----------|-----------------|
| COST                 | BUDGETED? | SOURCE OF FUNDS |
| N/A                  | Yes/No    | N/A             |

**STAFF RECOMMENDATION:**

**Staff recommends that Council approve Resolution No. 1285**

**BACKGROUND INFORMATION:**

The City Council allowed the modification of Resolution No. 857, through Resolution No. 1226 back in 2020, when they allowed the interest to no longer apply to the original amount that had been established by lien. That amount was paid by the developer in 2021.

In order to remove that lien that was recorded, the City Council must approve this resolution. It establishes a satisfaction of lien, which must then be recorded with Linn County.

**REVIEW AND APPROVAL:**

12.14.23  
\_\_\_\_\_  
Michele Eldridge      Date  
City Administrator

**RESOLUTION No. 1285**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HARRISBURG TO STATE THE SATISFACTION OF THE LIEN REFERENCED IN RESOLUTION NO. 857, RECORDED ON FEBRUARY 21, 2006 AS DOCUMENT 2006-04023, AND WHICH WAS FURTHER AMENDED BY RESOLUTION NO. 1226, RECORDED ON MARCH 26, 2020 AS DOCUMENT 2020-05928, FOR THE DEVELOPMENT OF PROPERTY NOW KNOWN AS THE BUTTERFLY GARDEN SUBDIVISION, ALSO KNOWN AS PARTITION PLAT CS 27259**

WHEREAS, the construction of the Harris Glenn Subdivision and Harris Glenn First Addition Subdivision resulted in infrastructure improvements, which included oversized infrastructure that benefitted the lots that are now known as the Butterfly Gardens Subdivision; and

WHEREAS, these improvements benefitted the developer of the Butterfly Gardens Subdivision by having necessary infrastructure improvements already completed, and completed at significantly less of cost than if the improvements were done in later years; and,

WHEREAS, it is reasonable and appropriate for the developer(s) of the Butterfly Subdivision pay for a share of the infrastructure costs that benefit said property, with the share based upon the property acreage; and,

WHEREAS, the developer's share of the costs was paid and satisfied by payment of the principal, as shown in Resolution No. 1226, in full on March 29, 2021, as shown in Exhibit A, and as verified by the City of Harrisburg Finance Officer.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisburg that payment in full has been made of the obligation stated in Resolution No. 857, and otherwise known as document 2006-04023, recorded on February 21, 2006, which was further amended by Resolution No. 1226, which is otherwise known as document 2020-05928, both shown in Exhibit B, and that the lien is hereby satisfied, and the debt fully discharged.

Adopted by the City Council of the City of Harrisburg, Oregon, December 14, 2023.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

After recording, return to:  
  
City Recorder,  
City of Harrisburg  
PO Box 378  
Harrisburg, OR 97446

CITY OF HARRISBURG  
PO BOX 378  
120 SMITH STREET  
HARRISBURG OR 97446

541-995-6655

Receipt No: 2.015235

Mar 29, 2021

BUTTERFLY GARDENS/ACCT 323211

Previous Balance: .00

GENERAL  
SUSPENSE 28,371.00

Total: 28,371.00

Check  
Check No: 1100 28,371.00

Total Applied: 28,371.00

Change Tendered: .00

03/29/2021 2:33 PM

Recording Cover Sheet

All Transactions (ORS 205.234)

**After Recording Return To:**

The City of Harrisburg


PO Box 378

Harrisburg, OR 97446

**Mail Tax Statements To:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_


LINN COUNTY, OREGON **2020-05928**  
 ORD-RES **03/26/2020 11:03:24 AM**  
 Crt=1 Stn=48 S. WILSON  
 \$15.00 \$11.00 \$60.00 \$19.00 \$10.00 **\$115.00**



00372047202000059280030035

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



**1. Name / Title of Transaction (ORS 205.234 (1a))**

Resolution No. 1226 Amends Resolution No. 857, recorded as 2006-04023 : Resolution No. 1226, A Resolution amending resolution No. 857, removing the interest rate requirement, and therefore reducing the amount of the lien on that property identified as 15S-04W-10CA 00200

**2. Grantor / Direct Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))**

The City of Harrisburg  
\_\_\_\_\_  
\_\_\_\_\_

**3. Grantee / Indirect Party Name (ORS 205.125 (1b), 205.160 & 205.234 (1b))**

Property Owner of 15S-04W-10CA 00200  
\_\_\_\_\_  
\_\_\_\_\_

**4. True and Actual Consideration (ORS 93.030)**

\$28,371

**5. If this instrument is being re-recorded, complete the following statement (ORS 205.244)**

Re-recorded at the request of \_\_\_\_\_

to correct \_\_\_\_\_

Previously recorded in Book \_\_\_\_\_ and page \_\_\_\_\_ or DN \_\_\_\_\_

**RESOLUTION NO. 1226****A RESOLUTION AMENDING RESOLUTION NO. 857, REMOVING THE INTEREST RATE REQUIREMENT, AND THEREFORE REDUCING THE AMOUNT OF THE LIEN ON THAT PROPERTY IDENTIFIED AS 15S-04W-10CA 00200**

WHEREAS, RESOLUTION 857 imposes a lien of \$28,371 to help pay for certain infrastructure improvements, performed by the City; and,

WHEREAS, said resolution requires the additional payment of 4% payable and compounded annually; and,

WHEREAS, said interest accruals now amount to \$20,758.39; and,

WHEREAS, it is in the public interest of the City of Harrisburg to promote housing alternatives, including senior housing; and,

WHEREAS, the current interest accrual imposes an excess burden on the property owner and is a hindrance to developing needed housing on the subject property;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Harrisburg, Oregon, that Resolution No. 857, shall be amended as follows:

1. To remove the phrase, ".....along with interest at the rate of 4% per annum..."
2. To change the final sentence of the last paragraph to say, "This obligation shall terminate upon payment of the amount owing, or in any event, shall be due and payable not later than Jan 11, 2026."

BE IT FURTHER RESOLVED that all other terms and conditions of Resolution No. 857 shall remain in effect.

Section 3. Effective Date: This Resolution shall retroactively take effect on January 1, 2020.

PASSED AND ADOPTED by the Harrisburg City Council this 14<sup>th</sup> day of January 2020.

Approved by the Mayor this 14<sup>th</sup> day of January 2020.

  
MAYOR

ATTEST:

  
CITY RECORDER

LINN COUNTY OREGON 2006-04023  
ORD-RES  
Clt#1 Str#7 S WILSON 02/21/2006 09:36:15 AM  
\$5.00 \$11.00 \$10.00 \$26.00



I, Steve Druckemiller, County Clerk for Linn County, Oregon, hereby certify that the foregoing Ordinance of Harrisburg recorded in the Clark records.  
Steve Druckemiller - County Clerk



**RESOLUTION No. 857**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF HARRISBURG TO REQUIRE REIMBURSEMENT FOR INFRASTRUCTURE IMPROVEMENTS ON OR NEAR NORTH 7<sup>TH</sup> STREET, FOR FUTURE DEVELOPMENT OF PROPERTY KNOWN AS 15S-4W-10CA, TAX LOT #200**

WHEREAS, the construction of the Harris Glenn Subdivision and Harris Glenn First Addition Subdivision have resulted in infrastructure improvements; and,

WHEREAS, some infrastructure improvements were designed so that they could eventually benefit other nearby properties when they are developed, which properties are known as Map 15 4W 10CA, Tax Lots 200 and 204, and Map 15 4W 10CB, Tax Lot 300 (hereinafter "listed properties"); and,

WHEREAS, these improvements benefit the future developer of these listed properties by having necessary infrastructure improvements already completed, and completed at possibly significantly less of a cost than if the improvements were done in later years; and,

WHEREAS, it is reasonable and appropriate for the developer of listed properties to pay for a share of the infrastructure costs that benefit their property, with the share based upon the property acreage; and,

WHEREAS, the improvements (hereinafter "listed improvements") and resulting costs for the improvements that were included to benefit the listed properties included:

- 1. Increase in the size of the sewage pump station \$68,027
  - 2. Increase in the size of the storm water pump station 9,637
  - 3. Additional excavation for extra depth on the sewer main 14,578
  - 4. Increased size of water line 11,777
  - 5. Extension of sanitary sewer main 11,783
- Total additional cost to benefit listed properties: \$115,802

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Harrisburg that since that property known as Map 15 4W 10CA, Tax Lot 200 represents 24.9% of the property benefited by the listed improvements, 24.5% of \$115,802, to-wit: \$28,371, shall be due and owing to the City of Harrisburg, along with interest at the rate of 4% per annum from the date of the approval of this resolution, if the property is annexed into the City of Harrisburg and an application is received by the City to locate one or more new dwellings on the property. This obligation shall terminate upon payment of the amount owing, or if 20 years from the date of this resolution elapses without the obligation becoming due.

Adopted by the City Council of the City of Harrisburg, Oregon, January 11<sup>th</sup>, 2006.

Mayor

ATTEST:

City Recorder

After recording, return to:  
City Recorder  
City of Harrisburg  
PO Box 378  
Harrisburg, OR 97446