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ORDINANCE NO. 4235

TITLE: AN ORDINANCE ESTABLISHING A TAX INCREMENT FINANCING--URBAN RENEWAL DISTRICT AND SETTING FORTH AN URBAN RENEWAL PLAN OTHERWISE KNOWN AS "THE CITY OF ALBANY COMPREHENSIVE CORE AREA IMPROVEMENT PLAN" UNDER THE PROVISIONS OF AND PURSUANT TO ORS CHAPTER 457 AND DECLARING AN EMERGENCY.

WHEREAS, the Core Area of the City of Albany exhibits characteristics of urban decay and blighted conditions, unstable property values, inadequate transportation systems and traffic control devices, unsafe building conditions, failing utility systems, lack of park facilities, and an unstable central business district, and

WHEREAS, the aforementioned conditions threaten the future of the core area and the livelihood of all the citizens of Albany, and

WHEREAS, the provisions of ORS Chapter 457 provide a means for alleviating said conditions and set forth the procedures and authority for preparation and implementation of an Urban Renewal Plan which is incorporated in this ordinance, and

WHEREAS, a Citizens Advisory Group was established by the City Council to review this plan and has recommended its approval, and

WHEREAS, the plan was presented to Neighborhood Groups who reviewed its contents and purpose, and

WHEREAS, the City of Albany Planning Commission held a public hearing on December 4, 1978, and received testimony and reviewed the plan for compliance with the Comprehensive Plan of the City of Albany and its effects on City Planning efforts, and

WHEREAS, the Planning Commission recommended approval of the Plan, and

WHEREAS, the City Council of the City of Albany held a public hearing on the 13th of December, 1978, after notices of said public hearing were published and posted in the manner and for the time prescribed by law, and

WHEREAS, following said public hearing, the City Council of the City of Albany determined that the Urban Renewal Plan described herein is in the best interest of the Core Area and the Citizens of Albany as a whole; now, therefor,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

ARTICLE 1 - The Plan

Section 101. Definition of the Plan

This Urban Renewal Plan, otherwise known as the Comprehensive Core Area Improvement Plan (hereinafter called the Plan), is for and relates to the redevelopment projects in and for a certain redevelopment area, known as the Core Area Tax Increment Financing District, which is located and situated in the

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City of Albany, and in the Counties of Linn and Benton, State of Oregon (hereinafter called City and Counties) under and pursuant to ORS Chapter 457, and consists of, and only of, this text, inclusive, including maps and exhibits containing the following information:

Part I - Tax Increment District Ordinances and Historic District  
Nomination Resolution

Part II - Financing Methods and Alternatives

Part III - Proposed Projects

Part IV - Maps and Exhibits

- Exhibit A. Tax Increment Boundary Map
- Exhibit B. Combined Tax Increment and Historic District Map
- Exhibit C. Monteith Historic District Map
- Exhibit D. Narrative Brief - Monteith Historic District
- Exhibit E. Commercial Historic District Map
- Exhibit F. Narrative Brief - Commercial Historic District
- Exhibit G. Hackleman Historic District Map
- Exhibit H. Narrative Brief - Hackleman Historic District
- Exhibit I. Preliminary Core Area Transportation Plan
- Exhibit J. Tax Increment District Boundary Description
- Exhibit K. Historic District Boundary Descriptions
- Exhibit L. Existing Land Use Map
- Exhibit M. Existing Zoning
- Exhibit N. Comprehensive Plan Map

Section 102. Description of the Plan

This plan will conserve and redevelop the core area of the City of Albany and certain arterial and collector streets leading thereto. The plan includes the installation of all public facilities necessary to the health, safety, and welfare of the project area including some property acquisition primarily for parking structures and rights-of-way. Development and rehabilitation of the private sector of the project will be carried out through existing code enforcement programs and through the availability of low interest and deferred payment loans offered by the Urban Renewal Agency and Federal Grant Programs. Additional financing will be carried out through a wide variety of local, state, and federal financing sources, a list and description of which is provided in Part Two of the attached plan.

The intent of the Plan is to carry out the redevelopment of a deteriorated area situated within the City at minimum direct cost to the City for public improvements. The completion of the Plan will mark a significant method of self-financed development of a deteriorated urban neighborhood under minimum governmental guidance and monetary support.

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ARTICLE II - The Redevelopment Area

Section 201. Boundary Map of Redevelopment Area

There is attached hereto as Exhibit "A" in Part Four of the Plan and as an integral part of this plan a map designated "Tax Increment Boundary" which shows the limits and area of the redevelopment district.

Section 202. Legal Description of Redevelopment Area

The Redevelopment Area otherwise known as Tax Increment Financing District contains 448.43 acres, more or less, in the City of Albany and Counties of Linn and Benton, State of Oregon, and is described by legal boundary description in Exhibit "J" of Part Four of the Plan.

ARTICLE III - The Redevelopment Agency

Section 301. Membership of the Redevelopment Agency

This plan shall be administered by the Albany Core Area Development Commission hereafter referred to as the CADC which shall consist of the membership of the City Council and Mayor of the City of Albany pursuant to ORS Chapter 457.140(c). However, the actions of the CADC shall be separate from that of the City Council. Every two years at the first CADC meeting of the calendar year, the CADC shall select from its membership a chairperson and vice-chairperson to preside over meetings, establish meeting dates and agendas. The CADC shall adopt its own by-laws

Section 302. Administration of the Redevelopment Agency

The Core Area Development Commission (CADC) shall at the beginning of each fiscal year following the availability of funds establish an operating budget, which shall carry out the projects provided for by this plan to the extent possible including the necessary administrative expenditures to sustain appropriate staffing and support activities necessary to accomplish the objectives of this plan.

ARTICLE IV - The Redevelopment Projects

Section 401. List of Projects and Proposed Activities

The redevelopment projects to be undertaken and carried out in the area described in Section 202 herein, involve redevelopment and conservation undertakings and activities pursuant to ORS Chapter 457. The Albany Core Area Development Commission (hereafter referred to as CADC) shall implement and oversee the projects described in Part Three of the attached plan incorporated herein, for the expressed purpose of eliminating and preventing the development or spread of blight and deterioration and to cause a revitalization within the project area. The projects described in Part Two of the Comprehensive Core Area Improvement Plan will, to the extent permitted by law and specified in this Plan, carry out the following types of activities:

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- (1) Installation and construction of streets, parking facilities, traffic signals, street lights, railroad crossings, street overlays, sanitary-storm sewer separation, river front development, core area beautification, historic preservation, public buildings, establishment and improvement of public transportation center facility, relocation and underground installation of public utility systems, provide assistance in rehabilitation of housing and commercial buildings, and other improvements necessary for carrying out the redevelopment objectives of this Plan in accordance with ORS Chapter 457.
  - (2) Acquisition of real property where absolutely necessary, including improved land, structures, improvements, easements, corporeal hereditaments, estates, and other rights in land, legal or equitable, necessary to eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise remove or prevent the spread of blight or to provide land for needed public facilities described by this Plan.
  - (3) Rendition as required of relocation assistance to inhabitants, families, and nonresidential uses located in the area covered by this project.
  - (4) Disposition of any property acquired in the Area (including sale, initial leasing or retention by the Agency itself, at a fair market value for uses in accordance with this Plan.)

Section 402. Voluntary Action

In order to insure as much voluntary action as possible, CADC will hold neighborhood meetings in the Project Area as is necessary, explain the purpose and scope of the program and any required and voluntary actions necessary on the part of the property owners.

ARTICLE V - Execution of the Plan

Section 501. Major Responsibility of the City

The City of Albany, acting through its common Council and Planning Commission, shall provide overall policy direction for the Plan, with CADC acting as their agent to implement the Plan. To accomplish this end, CADC, City Council, and the Planning Commission shall meet not less than once each year to review the progress of the Plan and to determine necessary amendments, if any, to improve its execution.

Section 502. Major Responsibility of CADC

In the undertaking and carrying out of the project and in the execution of this Plan, CADC shall be responsible for and shall carry out in the manner provided by law and this Plan the following:

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- (a) Installation of site improvements as indicated in Part Three which is attached hereto and made a part of the Plan.
  - (b) Land acquisition in accordance with the stipulations contained herein.
  - (c) The demolition of buildings only if necessary in accordance with the Plan.
  - (d) The provision of relocation assistance if necessary to families and businesses displaced as a result of the Plan.
  - (e) The disposition of land in accordance with the land use controls contained in the Plan.

Section 503. Other Public Entities Involved in the Execution of the Plan

In addition to the responsibilities and activities of the Agency set forth in Section 502 hereto, the following local government or other public entities shall be responsible for carrying out this Plan as indicated below:

- (a) The City of Albany, without cost to CADC, will provide street rights-of-way and vacations thereto; and perform other services on behalf of CADC, as may later be agreed to.
- (b) The City of Albany in cooperation with CADC, will continue within its jurisdiction a program of encouraging residential maintenance and building code compliance as indicated in this Plan.
- (c) The City of Albany and CADC will cooperate with the Counties of Linn and Benton to assure that all activities of CADC which may affect county operations are coordinated.

ARTICLE VI - Rehabilitation of Structures

Section 601. Extent of Conservation

The project to be undertaken and carried out in the Area pursuant to this Plan includes, as determined to be necessary, redevelopment and conservation of the Area as a whole and includes if required as a project activity the carrying out of plans for a program of conservation and rehabilitation of buildings and other improvements in the Area.

Section 602. Method of Achieving Redevelopment

Three basic methods may be used in achieving the Redevelopment of the properties in the project area:

- (a) Voluntary action
- (b) Low interest and deferred payment loan programs
- (c) Code enforcement

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Each of these methods may be followed according to the particular circumstances of each property to be redeveloped and the methods may be overlapping. The redevelopment activities will be carried out on the basis of enforcement of local codes and ordinances and the achievement of rehabilitation objectives, coupled with an active public information program designed to stimulate rehabilitation of structures on a voluntary basis.

ARTICLE VII. - Land Acquisition, Demolition and Clearance

Section 701. Extent of Acquisition, Demolition and Clearance

As indicated in Section 401 hereof, this Project involves as necessary, redevelopment and conservation of the redevelopment area, and accordingly, general acquisition and clearance of land in the Area is not involved. Furthermore, it is not the intent of this Plan to enlarge upon the condemnation powers of the City. Acquisition of real property and demolition and clearance of buildings, structures, and improvements thereon, will, however, be undertaken and accomplished by the Agency to the extent necessary to:

- (a) Eliminate unhealthful or unsanitary conditions, or otherwise prevent the spread of blight; and
- (b) Provide land for needed public facilities as follows:
  - (1) Sewer easement and street dedication for interceptor sewer and street rights-of-way.
  - (2) Acquisition of additional rights-of-way for streets within the project area as needed.
  - (3) Public buildings, parking facilities, and park land.

Section 702. Disposition and Redevelopment of Acquired Parcels

The CADC will dispose of all such real property acquired by it in the Redevelopment Area. Except for property necessary for rights-of-way, public buildings, parking facilities and park land, disposition (including sale, initial leasing or retention by the Agency itself) of any such real property shall be at its fair value for uses in accordance with this Plan. Disposition shall be only to private parties or public bodies who will agree to redevelop or rehabilitate such real property for uses in accordance with this Plan. When such real property is sold or leased, the purchasers or lessees and their assignees shall be obligated:

- (a) To devote such property to the uses specified in this Plan for the period of time that this Plan is in effect and force;
- (b) To begin and complete within a reasonable time to be specified and required, buildings, structures, or other improvements;
- (c) Not to effect or execute any agreement, lease, conveyance or other instrument whereby the property is restricted on the basis of race, religion, color or national origin, in the sales, lease, or occupancy thereof, and
- (d) To comply with such other conditions as the Agency and the City deem necessary to carry out this Plan.

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ARTICLE VIII - Regulations and Controls to Sustain Development

Section 801. Applicable Ordinances, Codes and Regulations

In order to sustain the development of the Area to be achieved through re-development and conservation pursuant to this Plan, the local ordinances, codes and regulations adopted by the City of Albany relating to and establishing standards respecting zoning, use and occupancy of the buildings, and other factors pertinent to the continued protection of the Area, will be enforced by the appropriate officials of the City of Albany in accordance with law. Density, off-street parking, land uses, and building requirements will be regulated in accordance with the existing ordinances and regulations adopted by the City Council and Planning Commission and as amended thereto.

ARTICLE IX - Additional State Law Requirements

Section 901. Relocation

In such instances where it is necessary to acquire property within the Redevelopment Area, the Agency will provide or contract for a relocation staff which will utilize the service of local public and private groups in order to assist affected persons to permanently relocate elsewhere in safe and decent buildings.

Section 902. Conformities of the Urban Renewal Plan to the General Comprehensive Plan, LCDC Goals and Guidelines, and the Relationship to Local Objectives as to the Matters Set Forth Below

- (a) Appropriate Land Use. The development of this area with residential land use, central business district, and local commercial use, as indicated in the Redevelopment Plan map, together with industrial uses, open space uses, and semi-public uses, is essential to improve the overall economic, social and physical health of the Albany Urban Area and achieve the local objectives in this area for a stable neighborhood with all necessary public facilities. The Urban Renewal Plan is in conformance with the Albany Urban Area Comprehensive Plan and will assist in the implementation of that Plan and complies also with the Land Conservation and Development Commission Goals and Guidelines.
- (b) Improved Traffic and Public Transportation. The provision of improvements to existing and proposed arterial, collector, residential streets and other improvements to the circulation system of this area will improve the circulation of both vehicular and pedestrian traffic in accordance with local objectives in the Albany area transportation plan and LCDC Goals and Guidelines.
- (c) Improved Public Utilities. The provision for adequate water, sanitary and storm sewers, street lighting, sidewalks, traffic control devices, street trees, power and telephone service, and other utilities will achieve the local objective of generally upgrading the area through the provision of adequate utilities, and will complement the Comprehensive Plan.

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- (d) Recreational and Open Space. The provision for park and open space land is in conformance with the Albany Park and Recreation Plan and Comprehensive Land Use Plan and will achieve the Plan objective of generally upgrading this area through the provision of adequate parks and open spaces.
- (e) Restoration of Historic Sites. The restoration of historic sites within the area is in conformance with the Comprehensive Plan and LCDC Goals and Guidelines and with the objectives of the State Office of Historic Preservation.
- (f) Housing. The provision of rehabilitated and new housing is in conformance with the Comprehensive Land Use Plan and LCDC Goals and Guidelines.
- (g) Other Public Improvements. All other improvements to be provided by the Plan by private development, includes protective landscaping, traffic control signals, improved pedestrian ways, and other improvements proposed in conformance with the maximum fire protection service and the protection of the area. Comprehensive redevelopment and conservation of this area, including these public improvements, provides maximum protection for public and private investments and insures the development of a sound neighborhood environment.

ARTICLE X - Duration and Changes in Plan

Section 1001. Duration of Plan.

This Plan shall be in full force and effect for ten years or so long as the principal and interest on indebtedness incurred to finance or refinance the development project remains unpaid which ever event shall last occur. In addition, the Agency may terminate the plan at any time there shall be no outstanding indebtedness.

Section 1002. Amendment of Plan

After approval of this Plan by the City Council of the City of Albany, the provisions of this Plan may be changed or modified only by formal written amendment duly approved and adopted by the City Council following a public hearing advertised by public notice in the week prior to the public hearing. In addition to the foregoing provisions of this Section 1002, all provisions, if any, of state law respective to changes, modifications, or amendments of renewal or redevelopment plan shall be complied with.

ARTICLE XI - Self-Liquidation of Costs of Project

Section 1101. Taxes Attributed to Increased Valuation Used to Finance Project

The ad valorem taxes levied by the applicable taxing agency upon the taxable real and personal property situated in the project area shall be divided as follows:

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- (a) During the period that any principal and interest on any indebtedness incurred by the Agency to finance or refinance the project remains unpaid, the county assessor shall compute the rate percent of levy for each taxing body in which all or part of the project area is located in the manner provided by ORS 310.090, except that the assessed valuation to be divided into the total amount of the money proposed to be raised by the taxing body shall not include that part of the assessed value attributed to any increase in the true cash value of the property located in the project area, or portion thereof, over the true cash value specified in the certificate or amendment to the certificate prepared by the assessor under ORS 457.430.
  - (b) The rate per cent determined under subsection (a) of the section for the taxing body shall be extended by the assessor on the county assessment roll for that year against the entire assessed valuation of all taxable property in the taxing body including the increase, if any, in true cash value of property located in the project area, or portion thereof, exceeding the value specified in the certificate or amendment thereto filed under ORS 457.430, although such increased value or valuation attributable thereto was not included in computing the rate percent of levy.
  - (c) That portion of the taxes produced by the rate upon which the tax is levied each year by or for each of the taxing bodies upon true cash value of the taxable property in the project area, or part thereof specified in the certificate or amendment to certificate filed under ORS 457.430, shall be allocated to and when collected shall be paid into the funds of the respective taxing bodies in the same manner as taxes by or for said taxing bodies on all other property are paid.
  - (d) That portion of the taxes representing the levy against the increase, if any, in true cash value of property located in the project area, or part thereof, over the true cash value specified in the certificate or amendment to the certificate filed under ORS 457.430, shall, after collection by the tax collector, be paid into a special fund of the Agency and shall be used to pay the principal and interest on any indebtedness incurred by the Agency to finance or refinance the redevelopment project or urban renewal project.
  - (e) Unless and until the total true cash value of the taxable property in a project area exceeds the total true cash value specified in the certificate or amendment to the certificate filed under ORS 457.430, all of the taxes levied and collected upon the taxable property in such project area shall be paid into the funds of the respective taxing bodies.

#### ARTICLE XII - Emergency Clause

In as much as the peace, health and safety of the persons who live or own property within the area herein described is affected, an emergency is hereby declared to exist and this ordinance shall become in full force and effect immediately on its passage by the Council and approval by the Mayor.

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Passed by the Council: December 27, 1978

Approved by the Mayor: December 27, 1978

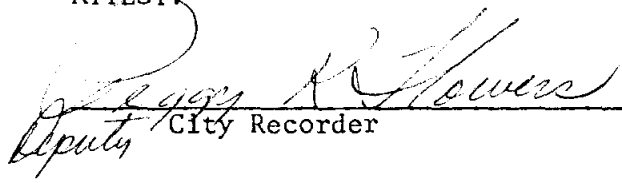
Effective Date: December 27, 1978



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Mayor

ATTEST:

  
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Deputy City Recorder