

ORDINANCE 25

SECTION IV. Plans or Specifications for development of streets or
**AN ORDINANCE RELATING TO AND PROVIDING FOR THE COSTS AND SPECIFICATION REQUIREMENTS
FOR THE DEVELOPMENT OF UNIMPROVED AREAS OF THE CITY OF DUNES CITY, LANE COUNTY,
OREGON.**

The City of Dunes City, Lane County, Oregon, ordains as follows:

SECTION I. This ordinance is enacted for the purpose of adopting regulations whereby subsequent development of unimproved areas of the City of Dunes City will be made in accordance with plans furnished by the developer and specifications furnished by the City Engineer and at the cost of the person making the development with provision for partial recovery of said development costs by the person making the development from any subsequent person making a development which benefits from costs paid by the first developer.

SECTION II. Not less than thirty (30) days prior to commencing any development in any area of the City of Dunes City, Lane County, Oregon, (hereinafter referred to in this ordinance as City), which area is then unimproved or more improvement needed as to location, elevation, and construction of streets, water lines, sewer lines, drainage grades or any other thing or matter under the jurisdiction of the City Engineer of the City of Dunes City, Oregon, (hereafter referred to in this ordinance as City Engineer with such area hereinafter being referred to as undeveloped area), and which development will necessarily require location, elevation, design, and construction of streets, sewers and water lines, any person, firm or corporation planning any such development (hereinafter in this ordinance called Developer), shall obtain from the City Engineer complete specifications for the development as to location, grade, and improvement of streets, water lines, sewer lines, and any other thing or matter under the jurisdiction of the City Engineer.

SECTION III. Within sixty (60) days of receipt of application from Developer for the specifications described in Section I of this ordinance, the City Engineer shall thereupon furnish such specifications to the Developer making the application. The Developer shall pay the actual costs for labor and materials expended by the City in preparing said specifications. The Developer before beginning development must submit the plans for the development, which plans must be prepared by and bear the seal of a registered engineer licensed by the State of Oregon to the City Engineer, who may approve the plans and allow the development to proceed only after the plans conform to the City of Dunes City development plan and have been approved by the City of Dunes City Council, and the Developer must have the written approval of the City Engineer for the plans. A copy of these plans bearing the written approval of the City Engineer must be on file in the office of the City Recorder prior to any actual development work.

SECTION IV. No plans or specifications for development of streets or subdivisions will be approved by the City Engineer nor will any streets be accepted for maintenance by the City unless they meet the following standards:

1. All streets must have a minimum dedicated width of 50 feet and be dedicated to the City of Dunes City for street purposes for public use.
2. All streets must provide proper compaction and drainage approved by the City Engineer.
3. All gravel streets must have a minimum of six ^{INCHES} ~~feet~~ of 1/2" minus compacted gravel a minimum of twenty-four (24) feet in width.
4. All hard surfaced streets must have a base of not less than 3" of compacted gravel of suitable size with a minimum of 2" of asphalt a minimum of twenty-four (24) feet in width.
5. Construction of any underground utility lines causing damage to or necessitating repair to existing streets or other improvements shall be the responsibility of the person causing the damage or necessitating the repair. At the option of the City Council a suitable performance bond may be required from the person causing the damage or necessitating the repair prior to approval of the plans and specifications by the City Engineer.

SECTION V. Any improvements existing at the time of passage of this ordinance may or may not be accepted by the city for future maintenance at the option of the City as well as any subsequent improvements even though any subsequent improvements meet the specifications prescribed by the ordinance.

SECTION VI. Any major improvements made after acceptance by the City of Dunes City such as curbs, gutters, or additional paving as petitioned by property owners of any area shall be paid for by the owners fronting such streets by assessment under the appropriate O.R.S. provisions or other means as agreed upon by the property owners and the City of Dunes City prior to the improvement.

SECTION VII. The Developer may proceed with the development in accordance with the specifications furnished by the City and plans furnished by the Developer which plans have been duly approved as hereinbefore set forth, at his own expense in the area covered by the specifications. The City reserves the right, but not the duty, to do any of the development work which can feasibly be done by the City and if such development work can be done by the City it will be commenced by the City within a reasonable time in accordance with the plans and specifications approved for the project with the only cost to the Developer being the actual costs incurred by the City. A statement containing the amounts due the City from the Developer will be furnished each thirty (30) days and payment, or arrangement for payment shall be made by the Developer within ten (10) days from receipt of such statement. In the event that the City is unable to make the required development

work within a reasonable time, taking into consideration the circumstances and conditions then and there existing, then in that event the Developer, upon ten (10) days written notice to the City of his intention to do so, may proceed with this development work, using his own labor and equipment. At any time after receiving written notice from the City that the City chooses not to undertake the development, then immediately the Developer may proceed, using his own labor, equipment and materials. In the event that the Developer is proceeding with his own construction at his own expense, then he shall be liable and pay to the City expense incurred by the City for necessary inspection of the development by the City Engineer. The actual development work on any development plans that have received the necessary approvals as hereinbefore set forth must be commenced within one year from the date of approval or such approval is automatically cancelled, necessitating reapproval prior to the commencement of construction. After approval the development and construction work must proceed in a continuous and reasonable manner taking into consideration stoppages occasioned by acts of God or any other circumstances beyond the control of the Developer, and abandonment of the development work at any time for a period in excess of six (6) month shall automatically cancel the approvals on said development also necessitating re-approval prior to further work.

SECTION VIII. In the event that the Developer expends development costs for streets, sewers, water lines, curbs, and gutters where subsequent development of adjoining land would be unjustly benefited by the presence of these facilities (for example if a street between two vacant blocks is developed according to specifications but the Developer owns and is developing only one side of the street but the development would benefit both sides) and, if the developer wishes to recoup any such development costs, upon written notice to the office of the City Recorder within ten (10) days of the time the specifications and plans are approved as hereinbefore set forth, thereafter adequate records shall be kept by the Developer and a verified statement of such costs filed with the City Recorder together with true and correct copies of the bills incurred and paid by the Developer. Thereupon the City Recorder shall keep a separate record of such expenses and determine what constitute 50% of said expenses, which sum shall thereupon be proportionately assessed to the benefiting adjoining land as a lien against such property excluding said lien from the benefiting property owned by the Developer who has paid the development costs. (For example, if the total development costs as established herein amount of \$1,000.00 then \$500.00 would be assessed the benefiting property and if ten (10) lots benefited, then \$50.00 would be the pro-rata assessment to each lot, excluding liens from the lots owned by the Developer who has paid the

development costs.) Prior to the City making water or sewer connections to any such assessed lot, the development assessment must be paid, or arrangements for payment suitable to the City Recorder must be made. As the money from the assessed lots is collected by the City Recorder, it shall be returned to the Developer who made the initial investment. The City in no way by this ordinance or any of the provisions contained herein assumes or guarantees to any prospective Developer the return of development monies expended by him, but the City by the enactment of this ordinance is attempting to promote further development with equitable return of development expenses from benefited properties.

SECTION IX. No building permit shall be issued by the office of the City Recorder in any development described in this ordinance until provisions suitable to the City Council have been made for the required improvements as well as payment, or suitable provisions for payment as hereinbefore described, has been made by the Developer to the City for all costs expended by the City as hereinbefore described.

SECTION X. Any person violating any of the provisions of this ordinance shall upon conviction thereof, be punished by a fine not exceeding one hundred (\$100.00) dollars or by imprisonment for a period not exceeding fifty (50) days, or by both such fine and imprisonment.

SECTION XI. Inasmuch as this ordinance is necessary for the immediate preservation of the public health, peace and safety of the City of Dunes City, Oregon, in this, that under present conditions the City has been forced to expend development funds for streets, sewer lines, and water lines beyond its financial capacity, therefore an emergency is declared to exist and this ordinance to take effect and be in force from and after its passage by a three-fourth aye and nay vote, and approval of the Mayor.

Ordinance No. _____ was adopted on the _____ day of _____, 1968.


Mayor


City Recorder