



COUNCIL RESOLUTION NO. 5119

**A RESOLUTION AMENDING RESOLUTION NO. 5067
CONCERNING A LOW-INCOME RENTAL HOUSING PROPERTY
TAX EXEMPTION FOR THE PROPERTY LOCATED AT 1535-1563
CITY VIEW STREET, EUGENE, OREGON. (Stellar Apartments
Limited Partnership / Owner)**

PASSED: 7:0

REJECTED:

OPPOSED:

ABSENT: Evans

CONSIDERED: October 13, 2014



RESOLUTION NO. 5119

A RESOLUTION AMENDING RESOLUTION NO. 5067 CONCERNING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT 1535-1563 CITY VIEW STREET, EUGENE, OREGON. (Stellar Apartments Limited Partnership / Owner)

The City Council of the City of Eugene finds that:

A. On July 23, 2012, the City Council passed Resolution No. 5067, a copy of which (excluding its Exhibit A) is attached as Exhibit A this Resolution. Resolution No. 5067 approved the application of St. Vincent de Paul Society of Lane County, Inc. for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971) for the property located at 1535-1563 City View Street, Eugene, Oregon, 97401 (Assessor's Map 17-04-36-33, Tax Lot No. 201; Assessor's Property Account Number 0483857), for the development of 54 residential units and common areas, and for the parcel of land. Stellar Apartments Limited Partnership is the owner the real property, with St. Vincent de Paul Society as general partner.

B. At the time that Council passed Resolution No. 5067, the common area and parcel of land referenced in the Resolution for use as a garden was not yet under the ownership of Stellar Apartments Limited Partnership and, therefore, was not subject to the tax exemption.

C. In January of 2014, Stellar Apartments Limited Partnership acquired the area of land (a portion of Assessor's Map 17-04-36-33, Tax Lot No. 400) that it intended to use for the common areas referenced in Resolution No. 5067, and completed a property line adjustment which incorporated the newly acquired area into Assessor's Map 17-04-36-33, Tax Lot No. 201.

D. It is necessary to amend Resolution No. 5067 to allow for the tax exemption to be applied to the newly acquired area of land.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based upon the above findings, the area of land that was acquired by Stellar Apartments Limited Partnership in January of 2014, and, by property line adjustment, incorporated into the property identified as Assessor's Map 17-04-36-33, Tax Lot No. 201, is declared exempt from local ad valorem property taxation commencing July 1, 2015, and continuing until the tax exemption granted by Resolution No. 5067 expires. The revised boundaries of the property identified as Assessor's Map 17-04-36-33, Tax Lot No. 201 are described in Exhibit B attached to this Resolution.

Section 2. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the Stellar Apartments Limited Partnership and to St. Vincent de Paul Society of Lane County, Inc. within ten days from the date of adoption of this Resolution, and to cause a copy of this Resolution to be filed with the Lane County Assessor on or before April 1, 2015. The copy of the Resolution sent to the Stellar Apartments and St. Vincent de Paul shall be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period and the effects of the termination.

Section 3. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 13th day of October, 2014.

Beth Louest

City Recorder

RESOLUTION NO. 5067

A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT 1535-1563 CITY VIEW STREET, EUGENE, OREGON. (ST. VINCENT DE PAUL SOCIETY OF LANE COUNTY, INC. / APPLICANT.)

The City Council of the City of Eugene finds that:

A. Stellar Apartments Limited Partnership (with St. Vincent de Paul Society of Lane County, Inc. as general partner) is the owner of real property located at 1535-1563 City View Street, Eugene, Oregon, 97402 (Assessor's Map 17-04-36-33; Tax Lot No. 201; Assessor's Property Account Number 0483857). St. Vincent de Paul Society of Lane County, Inc. (general partner and "the applicant"), located at P.O. Box 24608, Eugene, Oregon, 97402 has submitted an application pursuant to Subsection 2.939(2) of the Eugene Code, 1971, for an exemption from ad valorem taxes under the City's Low-Income Rental Housing Property Tax Exemption Program (Sections 2.937 to 2.940 of the Eugene Code, 1971).

B. The tax exemption is being sought for the project, which will consist of 54 residential units and common areas (community center & garden, children's play area, and bike parking) that are being constructed on the property and for the parcel of land, all of which will be used for low-income housing. Construction is expected to be completed by July 31, 2013.

C. The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation, which is attached to this Resolution as Exhibit A, recommending that the application be approved and the exemption granted. In making that recommendation, the Community Development Manager found that the applicant submitted all materials, documents and fees required by the application and Section 2.938(1) of the Eugene Code, 1971, and is in compliance with the policies set forth in the Standards and Guidelines adopted by Resolution No. 5028. In addition, as described more fully in Exhibit A, the applicant has complied with the criteria for approval provided in Section 2.939(2) of the Eugene Code, 1971.

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EUGENE, a Municipal Corporation of the State of Oregon, as follows:

Section 1. Based upon the above findings, and the findings in the Community Development Manager's Report and Recommendation attached as Exhibit A, the City Council approves the application of St. Vincent de Paul Society of Lane County, Inc. for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for the property located at 1535-1563 City View Street, Eugene, Oregon, 97401 (Assessor's Map 17-04-36-33; Tax Lot No. 201; Assessor's Property Account Number

0483857), which will consist of 54 residential units and common areas, and for the parcel of land. All units shall be offered for rent to persons whose earnings fall at or below 50% of the Area Median Income based on their family size.

Section 2. The land and units described in Section 1 above are declared exempt from local ad valorem property taxation commencing July 1, 2013, and continuing for a continuous period of twenty (20) years unless earlier terminated in accordance with the provisions of Section 2.940 of the Eugene Code, 1971, which provides for termination after an opportunity to be heard if:

2.1 Construction or development of the exempt property differs from the construction or development described in the application for exemption, or was not completed by January 1, 2020, and no extensions or exceptions were granted; or

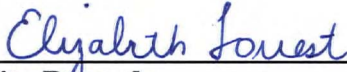
2.2 The applicant fails to comply with provisions of ORS 307.515 to 307.523, provisions of the Eugene Code, 1971, the Standards and Guidelines adopted by Council Resolution No. 5028, or any conditions imposed in this Resolution.

The tax exemption shall be terminated immediately, without right of notice or appeal, pursuant to the provisions of ORS 307.531 in the event that the county assessor determines that a change of use to other than that allowed has occurred for the housing unit, or portion thereof, or, if after the date of this approval, a declaration as defined in ORS 100.005 is presented to the county assessor or tax collector for approval under ORS 100.110.

Section 3. The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant within ten (10) days from the date of adoption of this Resolution, and to cause a copy of this Resolution to be filed with the Lane County Assessor on or before April 1, 2013. The copy of the Resolution sent to the applicant shall be accompanied by a notice explaining the grounds for possible termination of the exemption prior to the end of the exemption period and the effects of the termination.

Section 4. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 23rd day of July, 2012.



City Recorder

**Legal Description for the Adjusted Boundaries
of
Stellar Apartments Limited Partnership Tract
17-04-36-33 TL No. 201**

Beginning at the Southwest corner of Section 36 in Township 17 South, Range 4 West of the Willamette Meridian; thence North 00°07'30" East 642.85 feet along the west line of said Section 36; thence South 89°02'27" East 29.06 feet to a mag. nail with an aluminum washer stamped "Poage Eng. & Surv. Inc." set to replace a reinforcing rod set on the Easterly right of way line of City View Street (being a line parallel with and 35.00 feet Easterly of the centerline of City View Street as monumented on the ground); thence continuing South 89°02'27" East 0.94 feet to a point on the east margin of City View Street as conveyed to the City of Eugene through a Quit Claim Deed recorded August 14, 1948 in Book 379, Pages 537 and 538 of the Lane County Oregon Deed Records, said point being 30.0 feet easterly of, when measured at right angles to, the west line of said Section 36, said point also being the **True Point of Beginning**; thence leaving said east margin and running South 89°03'29" East 133.07 feet to a point marked by a 5/8" rebar with a yellow plastic cap stamped "Poage Eng. & Surv. Inc."; thence South 00°07'30" West 102.16 feet to a mag. nail with an aluminum washer stamped "Poage Eng. & Surv. Inc."; thence South 89°01'36" East 108.93 feet to a point marked by a 5/8" rebar with a yellow plastic cap stamped "Poage Eng. & Surv. Inc."; thence South 44°59'28" East 1.91 feet to a point marked by a reinforcing rod; thence South 89°01'36" East 249.64 feet to a reinforcing rod set on the northerly extension of the centerline of Cleveland Street (now vacated), said point also being on the west boundary of Westmoreland Park as platted and recorded April 13, 2010 Inst. No. 2010-017400 Lane County Oregon Deed Records; thence North 00°02'09" West 119.99 feet along said northerly extension to a reinforcing rod marking the most southerly interior ell on the west boundary of said plat of Westmoreland Park; thence North 89°09'12" West 58.63 feet to a reinforcing rod set to mark the most southerly exterior ell in the western boundary of said plat of Westmoreland Park; thence along said west boundary North 00°07'47" East 220.46 feet to a point on the north boundary of that certain tract of land described in a Warranty Deed recorded May 19, 2004 Recep. No. 2004-037386 Lane County Oregon Official Records; thence along said north boundary North 89°02'00" West 434.06 feet to a point on the east margin of City View Street as conveyed to the City of Eugene through a Warranty Deed recorded October 14, 1948 in Book 383, Page 662 of the Lane County Oregon Deed Records, said point being 30.0 feet easterly of, when measured at right angles to, the west line of Section 36 in Township 17 South, Range 4 West of the Willamette Meridian; thence along said easterly margin parallel to and 30 feet easterly of the west line of said Section 36 South 00°07'30" West 236.85 feet to the **True Point of Beginning**, all in Lane County Oregon.

Containing 3.230 acres or 140,825 sq. ft. more or less