



**COUNCIL RESOLUTION NO. 5123**

**A RESOLUTION APPROVING A LOW-INCOME RENTAL HOUSING PROPERTY TAX EXEMPTION FOR THE PROPERTY LOCATED AT 89 NORTH POLK STREET, EUGENE, OREGON. (Neighborhood Economic Development Corporation (NEDCO) / Applicant.)**

**PASSED: 7:0**

**REJECTED:**

**OPPOSED:**

**ABSENT: Syrett**

**CONSIDERED: December 8, 2014**



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**The City Council of the City of Eugene finds that:**

**A.** Neighborhood Economic Development Corporation (NEDCO) has entered into a Commercial Real Estate Sale Agreement to purchase real property located at 89 North Polk Street, Eugene, Oregon, 97402 (Assessor's Map 17-04-25-41, Tax Lot 4900; Assessor's Property Account Number 0442101) owned by John Martin, Judith Martin and Richard Gordon, located at 751 Eucalyptus Avenue, Navato, California, 94947. NEDCO, located at 212 Main Street, Springfield, Oregon 97477, has submitted an application pursuant to Subsection 2.939(3) 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). Finalization of the sale of the property to NEDCO is dependent, in part, on City Council's approval of the purchase by NEDCO.

**B.** The tax exemption is being sought for 12 residential units currently existing on the property at 89 North Polk, all of which will be used for low-income housing, and residential common areas. The units will undergo rehabilitation which is expected to be completed by August of 2015.

**C.** The Community Development Manager of the Planning and Development Department, as designee of the City Manager, has prepared a Report and Recommendation 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, the Community Development Manager found that the applicant has complied with the criteria for approval provided in Section 2.939(3) 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, the City Council approves NEDCO's application for an ad valorem property tax exemption under the City's Low-Income Rental Housing Property Tax Exemption Program for the property located at 89 North Polk Street, Eugene, Oregon, 97402 (Assessor's Map 17-04-25-41, Tax Lot 4900; Assessor's Property

Account Number 0442101), which will consist of 12 residential units and residential common areas. All units shall be offered for rent to persons whose earnings fall at or below 60% of the Area Median Income based on their family size.

**Section 2.** Subject to the condition precedent set forth in Section 3 of this Resolution, the land and units described in Section 1 above are declared exempt from local ad valorem property taxation commencing July 1, 2015, 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 tax exemption shall not take effect unless or until closing occurs on the purchase of the property by NEDCO.

**Section 4.** The City Manager, or the Manager's designee, is requested to forward a copy of this Resolution to the applicant 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 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 5.** This Resolution shall become effective immediately upon its adoption.

**The foregoing Resolution adopted the 8<sup>th</sup> day of December, 2014.**

  
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City Recorder