



COUNCIL RESOLUTION NO. 5029

**AMENDMENT OF RESOLUTION NO. 4281 PROVIDING
AN ADDITIONAL WAY FOR PROPERTY OWNERS
SUBJECT TO A CREST DRIVE AREA STREET
IMPROVEMENT ASSESSMENT TO QUALIFY FOR THE
STREET SUBSIDY PROGRAM.**

PASSED: 5:4

REJECTED:

OPPOSED: Ortiz, Clark, Poling, Farr

ABSENT:

CONSIDERED: April 27, 2011

RESOLUTION NO. 5029

AMENDMENT OF RESOLUTION NO. 4281 PROVIDING AN ADDITIONAL WAY FOR PROPERTY OWNERS SUBJECT TO A CREST DRIVE AREA STREET IMPROVEMENT ASSESSMENT TO QUALIFY FOR THE STREET SUBSIDY PROGRAM.

The City Council of the City of Eugene finds that:

A. On November 4, 1991, the City Council adopted Resolution No. 4281, a resolution adopting a Street Subsidy Program Council Policy Guide (“the Program”).

B. Resolution No. 4281 sets forth the criteria that must be met for a property owner subject to a street assessment to participate in the Program, including the qualifications for low-moderate income persons. In order for a property owner to qualify for the Program, the property owner(s)’s annual income must fall within one of the three categories set forth in section 6.1 of Resolution No. 4281.

C. So that property owners subject to assessment for the Crest Drive Area Street Improvement Project that currently have very low to moderate incomes, but whose annual income in 2010 exceeded the income limits of Resolution No. 4281, can participate in the Program, it is necessary to amend Resolution No. 4281 to allow a Crest Drive Area property owner(s)’s income to be based on an extrapolation of their income on a single day in 2011, instead of their annual income in 2010.

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 amends Resolution No. 4281 to provide that for purposes of determining annual income in sections 6.1.1 – 6.1.3, the annual income of property owner(s) subject to a Crest Area Street Improvement Project assessment can, at the property owner(s)’s election, be based on the property owner(s)’s income on April 11, 2011. To determine Program eligibility, the property owner(s)’s income on April 11, 2011, will be extrapolated for 364 days. “Income” includes, but is not limited to, work and investment income, retirement income, unemployment benefits and child support. Proof of income on April 11, 2011, shall include, but is not limited to, April, 2011 payroll or unemployment stubs, 2010 Federal Income Tax forms and retirement statements. Notwithstanding a property owner(s)’s income on April 11, 2011, if a property owner(s) has income on any day during April, 2011 that,

when extrapolated, exceeds the income limits of sections 6.1.1 – 6.1.3 the property owner is ineligible for the Program.

Section 2. Notwithstanding Section 7 of Resolution No. 4281, property owner(s) who wants to qualify for the Program under Section 1 of this Resolution has ten (10) days from the date the City sends notice to all property owners subject to assessment for the Crest Area Street Improvement Project to apply to the City to participate in the Program.

Section 3. Notwithstanding Section 8 of Resolution No. 4281, the decision of the City Manager or Manager's designee regarding whether a property owner(s) qualifies to participate in the Program under Section 1 of this Resolution shall be final.

Section 4. Except as explicitly amended by this resolution, all other provisions of the Street Subsidy Program adopted by Resolution No. 4281 apply, including, but not limited to the asset ownership limitations in sections 6.1.1 – 6.1.3.

Section 5. This Resolution shall become effective immediately upon its adoption.

The foregoing Resolution adopted the 27th day of April, 2011.


Deputy City Recorder