

Chapter 1.65
RECORDING

Sections:

- 1.65.010 Definitions.
- 1.65.020 City Lien Docket Created; Purpose.
- 1.65.030 Entries.
- 1.65.040 Notice Prior to Recording.
- 1.65.050 City Lien Docket Access.
- 1.65.060 Recording Documents with County.

1.65.010 Definitions.

As used in this Chapter, except as otherwise specifically provided, the following terms are defined as follows:

- (1) “Development Agreement” shall mean any agreement between the City and a private or public developer imposing on the developer the obligation to develop, design, construct, install and/or maintain public improvements (i.e., rights-of-way including streets, sidewalks, curbs, gutters, etc.; sanitary sewer improvements; storm water disposal and/or collection systems; water delivery and storage facilities) by that developer or other third party on behalf of the City.
- (2) “Non-remonstrance Agreement” – any document or contract waiving the right to remonstrate or protest against the formation of a Local Improvement District (LID).

1.65.020 City Lien Docket Created; Purpose.

There is hereby created within the Office of the City Finance Director, a City Lien Docket (Docket). The Docket is to be maintained by the Finance Director (or their designee) and provide notice of lien(s) imposed by or on behalf of the City for costs associated with the provision of City services or benefits accruing to property located within the City. The Docket may contain entries regarding any or all of the following:

- (1) Preliminary and/or final assessments for a local improvement district (LID); reimbursement district fee obligations imposed under NPMC section 2.10.110;

- (2) System development charges imposed under NPMC section 2.15.040; utility
- (3) service charges under NPMC Chapter 3.01 and 3.05;
- (4) Costs for abating public nuisances under NPMC Chapters 4.10 or 7.10; and any other charge, fee or penalty capable of being imposed for violation of the North Plains Municipal Code.

Failure to record a lien for the charges authorized above does not in any way affect the underlying enforce ability of the obligation(s) said charge represents.

1.65.030 Entries.

- (1) No Docket entry shall be for less than one hundred and fifty dollars (\$150.00). Upon payment of a fee (which fee is to be set by Council resolution) the City shall calculate and provide to the person paying the fee the total amount of a lien including interest to date.
- (2) Each lien docket entry shall include the following:
 - (a) The address of the property to which the obligation attaches and the name of the owner as set out in the Washington County Tax Assessor's Office;
 - b) The reason for and City Code provision providing the basis for imposition of the lien;
 - (c) The amount of the lien and the rate at which interest accrues;
 - (d) The date upon which the lien was entered on the Docket; and
 - (e) Such other information as the City Finance Director deems appropriate.

1.65.040 Notice Prior to Recording.

Prior to recording in the Docket, the City will provide written notice to the owner of the property (as the same is shown in the Washington County Tax Assessor's Office) as to the existence of the obligation represented by the proposed lien at least fourteen (14) days prior to recording. The failure of an owner to receive actual notice of the existence of the proposed lien shall not affect its validity recorded in the Docket provided notice of the lien was sent consistent with this section.

1.65.050 City Lien Docket Access.

- (1) Any person desiring to have electronic access to the Docket may do so after applying for same (on a form provided by the City) and paying a fee (set by Council resolution) to the Finance Director. Within 7 days from receiving a completed application and fee, the City shall issue a password for accessing the Docket.
- (2) Payment of the fee and completion of the form shall entitle the person to unlimited access to the Docket for a period of one (1) year from the date of the issuance of the password. Renewal of electronic access shall be for like periods after payment of a fee set by Council.

1.65.060 Recording Documents with County.

The City Recorder shall record the following documents with the Washington County Recorder's Office:

- (1) Development agreements;
- (2) Non-remonstrance agreements; and
- (3) Resolutions relating to the creation of and charges imposed by reimbursement district(s).

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