



Medford City Council Meeting

Agenda

April 21, 2016

12:00 Noon AND 7:00 P.M.

**Medford City Hall, Council Chambers
411 West Eighth Street, Medford, Oregon**

10. Roll Call

Employee Recognition

Employee of the Quarter

20. Approval or Correction of the Minutes of the April 7 Regular Meeting

30. Oral Requests and Communications from the Audience

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

40. Consent Calendar

50. Items Removed from Consent Calendar

60. Ordinances and Resolutions

60.1 COUNCIL BILL 2016-45 - SECOND READING – An ordinance amending sections 4.105, 4.710, 4.761, 4.763, 4.1111, 4.1200, 4.1202, 4.1203 and repealing sections 4.1003, and 4.1103 of the Medford Code pertaining to utility fees.

60.2 COUNCIL BILL 2016-46 An ordinance awarding a contract in the amount of \$311,311.31 to Knife River Materials to perform asphalt pavement overlays on various streets.

60.3 COUNCIL BILL 2016-47 An ordinance authorizing execution of an Intergovernmental Agreement between the City of Medford and Jackson County Fire District 3 for vehicle maintenance and repairs.

60.4 COUNCIL BILL 2016-48 An ordinance granting to Qwest Corporation, dba CenturyLink QC (CenturyLink), the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

60.5 COUNCIL BILL 2016-49 An ordinance authorizing execution of a quitclaim deed releasing interest in a vacated alley between Quince Street and Rose Avenue in exchange for right-of-way from Jackson County in conjunction with the 8th and Main Street Signal Modifications Project.

70. Public Hearing

70.1 COUNCIL BILL 2016-50 A resolution of the City Council of the City of Medford, Oregon authorizing the approval of Revenue Notes (Asante Health System), in one or more series, issued by the Hospital Facilities Authority of the City of Medford, Oregon.

80. Council Business

90. City Manager and Other Staff Reports

90.1 United Way – Employee Giving Campaign

90.2 17-Transportation Projects

90.3 Further reports from City Manager

100. Propositions and Remarks from the Mayor and Councilmembers

100.1 Proclamations issued:

Administrative Professionals Day – April 27, 2016

Municipal Clerks Week – May 1-7, 2016

ALS Awareness Month – May 2016

Building Safety Month – May 2016

National Preservation Month – May 2016

100.2 Further Council committee reports

100.3 Further remarks from Mayor and Councilmembers

110. Adjournment to the Evening Session

EVENING SESSION

7:00 P.M.

Roll Call

120. Oral Requests and Communications from the Audience

Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

130. Public Hearings

Comments are limited to a total of 30 minutes for applicants and/or their representatives. You may request a 5-minute rebuttal time. Appellants and/or their representatives are limited to a total of 30 minutes and if the applicant is not the appellant they will also be allowed a total of 30 minutes. All others will be limited to 3 minutes per individual or 5 minutes if representing a group or organization. PLEASE SIGN IN.

130.1 COUNCIL BILL 2016-51 An ordinance vacating a 60-foot by 70-foot section of East Second Street located between the railroad right-of-way and Front Street. (SV-15-169) Land Use, Quasi-Judicial

140. Ordinances and Resolutions

150. Council Business

160. Further Reports from the City Manager and Staff

170. Propositions and Remarks from the Mayor and Councilmembers

170.1 Further Council committee reports

170.2 Further remarks from Mayor and Councilmembers

180. Adjournment



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.1

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DEPARTMENT:	Public Works	AGENDA SECTION:	Ordinances and Resolutions
PHONE:	541-774-2100	MEETING DATE:	April 21, 2016
STAFF CONTACT:	Cory Crebbin, Public Works Director		

COUNCIL BILL 2016-45

SECOND READING. An ordinance amending sections 4.105, 4.710, 4.761, 4.763, 4.1111, 4.1200, 4.1202, 4.1203 and repealing sections 4.1003, and 4.1103 of the Medford Code pertaining to utility fees.

SUMMARY AND BACKGROUND

The street utility fee portion of the 17-Transportation Project List was fully collected on the March 2016 utility bill. As a result, the street utility fee is reduced and the public safety fee increased as prescribed by Sections 4.761(3) and 4.1111 of the Medford Municipal Code. The proposed changes to the code herein eliminate unneeded language and display the revised fees.

Sections 4.1200(3) and (3)(a) are revised to clarify which utility fees are not assessed when an account is closed or vacant. Public Safety and Pedestrian Street Light fees will be assessed as those costs to the City continue whether a building is vacant or occupied.

Additional minor housekeeping changes are proposed to various sections of code to improve consistency between code sections and simplify language.

PREVIOUS COUNCIL ACTIONS

Council reviewed this proposal on April 7, 2016, with a vote of 5-2 in favor of approval. This item is now being presented as a second reading.

ANALYSIS

Section 4.105 is revised to add a new definition for Accessory Dwelling Unit. This definition is consistent with the ADU definition in Chapter 10. The Home Based Business definition is clarified to indicate that any portion of a business conducted in a home is subject to the utility fee. The Residential Service - Multi-Family Residential Service is clarified to include a single family dwelling with an ADU, as this meets the current multi-family definition of two or more separate living facilities and removes the restriction of a common wall or roof. The Mobile Home Park definition is revised to be consistent with the number of units specified in Chapter 10. All definitions are renumbered.

Section 4.710 is revised to clarify that the minimum storm drain utility charge is per tax lot.

Section 4.761(c) clarifies that the street fee reduction for non-profits, houses of worship and fraternal organizations is limited to administration facilities.

Sections 4.761(d), 4.761(3) and 4.1111 are revised to eliminate language regarding the 17-Transportation Project List surcharge. Street utility fees are reduced and Public Safety fees increased to reflect the 17-Transportation Project surcharge sunset.

Table 4.1 of Section 4.763 is revised to reflect the change in definition for a single family dwelling with an ADU and moves duplex to multi-family.

Section 4.763(2) is revised to clarify that the gross floor area of a building is the sum of the area of each floor, and removes language exempting unroofed areas from utility fee calculations.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.1

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Sections 4.1003 and 4.1103 are eliminated as these definitions are included in Section 4.105. This eliminates inconsistencies between definitions.

Section 4.1200(3) and (3)(a) are revised to clarify which utility fees are not assessed when an account is closed or vacant. Public Safety and Pedestrian Street Light fees will be assessed as those costs to the City continue whether the building is vacant or occupied.

Section 4.1202 is revised to clarify the calculation for the annual billing plan.

Section 4.1203 is revised to clarify that all delinquent utility fees will be referred to an outside collection agency and that interest will be added to the delinquent balance.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None.

TIMING ISSUES

None.

COUNCIL OPTIONS

Approve, modify, or deny the ordinance.

STAFF RECOMMENDATION

Approve the proposed code changes.

SUGGESTED MOTION

I move to approve the ordinance amending Sections 4.105, 4.710, 4.761, 4.763, 4.1003, 4.1103, 4.1111, 4.1200, 4.1202 and 4.1203 to revise language regarding the 17-Transportation Project, clarify which utility fees will be charged when accounts are closed or vacant, and make minor housekeeping changes.

EXHIBITS

Ordinance

ORDINANCE NO. 2016-45

AN ORDINANCE amending sections 4.105, 4.710, 4.761, 4.763, 4.1111, 4.1200, 4.1202, 4.1203 and repealing sections 4.1003, and 4.1103 of the Medford Code pertaining to utility fees.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

SECTION 1. Section 4.105 of the Medford Code is amended to read as follows:

4.105 Definitions.

(1) Accessory Dwelling Unit (ADU). A detached or attached dwelling unit that is additional and auxiliary to an existing single-family dwelling, and is on the same tax lot. An ADU cannot exceed 900 square feet or more than half the square footage of the SFR, whichever is less.

~~(2)~~(4) Commission: The board of the Medford Water Commission of the City, its authorized agents or employees.

~~(3)~~(2) Currently Developed Area (CDA): All parcels within the City limits except those parcels greater than one acre which were undeveloped on August 4, 1983, as defined by the following Medford Land Use Inventory Codes: 8100, intensive agriculture; 8200, non-intensive agriculture; and 9000, undeveloped or vacant land. Such parcels are identified on a list filed in the office of the City Recorder prior to passage of Ordinance No. 4940.

~~(4)~~(3) Customer: An individual, firm, corporation, or governmental agency residing, operating or owning property within the City of Medford.

~~(5)~~(4) Detention System: A facility (such as a pond, vault, pipe, etc.) in which surface and stormwater are temporarily stored.

~~(6)~~(5) Developed Property: Any man-made change to improved or unimproved real property including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

~~(7)~~(6) Equivalent Residential Unit (ERU): An area which is estimated to place approximately equal demand on the City's storm drainage system as a parcel containing one single-family dwelling unit. One (1) ERU shall be equal to 3,730 square feet of impervious surface.

~~(8)~~(7) Extra Strength Sewer Service: Industrial, commercial or hospital industrial wastes discharged into the sewer system containing a total of more than sixty (60) pounds of Biochemical Oxygen Demand, or Suspended Solids in any one (1) day and having an average strength in excess of 300 parts per million (ppm) of Biochemical Oxygen Demand, or Suspended Solids.

~~(9)~~(8) Home Based Business: Business conducted entirely from a residential premise (home, garage or other outbuilding) regardless of the nature of the business.

~~(10)~~(9) Impervious Surface: Surface areas which either prevent or retard the absorption of water into the surface of the soil, or cause water to run off the surface in greater quantities or at an increased rate of flow compared to the natural condition of the property before development. Asphalt, concrete and roofing materials are examples of impervious materials. Gravel surfaces used for vehicular traffic are also considered impervious.

(11)(10) Improved Premises: Any area which has been altered such that the runoff from the site is greater than that which historically occurred prior to development. Such a condition shall be determined by the City Engineer.

(12)(11) NAICS Manual: North American Industry Classification System, 2002 edition. Published by Executive Office of the President – Office of Management and Budget.

(13)(12) Non-Profit: Refers to charitable organizations that are tax exempt under section 501(c)(3) of the Internal Revenue Code.

(14)(13) Non-Residential Service: Service to any structure not used primarily for residential purposes. Specific Non-Residential use definitions include the following:

(15)(14) Open Drainageway: A natural or man-made path, ditch or channel on the land surface which has the specific function of transmitting natural stream water or storm runoff water.

(16)(15) Pass-by Trip: An intermediate stop on the way from an origin to a primary trip destination without a route diversion.

(17)(16) Recreational Vehicle Dumping Station: A facility connected to the sewage collection system and accepts liquid wastes dumped from holding tanks of recreational vehicles such as travel trailers, motor homes and campers regardless of whether the wastes are accepted by the dumping station operator with or without charge.

(18)(17) Residential Service: Service to any structure used primarily for residential purposes. Residential use is further defined as follows:

(b) Multi-Family Residential Service: Service to a structure(s) which consists of two or more separate living facilities ~~sharing at least one common wall or a common roof~~ in which the occupants normally cook meals, eat, sleep and carry on the household operations incident to domestic life. **Also includes a single-family residential structure with an ADU, whether attached or detached** Excludes commercial transient housing such as hotel and motel suites.

(c) Mobile Home Parks: An area under unified ownership or ~~control~~ **management** in which manufactured homes are situated and used for human habitation; or in which ~~two~~ **four** or more spaces are improved, designed or offered for such use.

(19)(18) Responsible Party: The person paying the City utility charges or the person (s) having the right to occupy the property if there is no water service to the property. If the City is not able to identify the responsible party, the owner of record shall be the responsible party.

(20)(19) Retention System: A system which is intended to retain and infiltrate surface water either partially or completely to groundwater.

(21)(20) Runoff Control: Any means approved by the City Engineer by which the peak rate and volume of storm runoff from developed land surfaces is reduced to its predeveloped state for storms up to the 25-year event.

(22)(21) Trip Generation: The average number of weekday vehicle trips as determined by the Institute of Traffic Engineers (ITE) by reference to the 8th edition of the ITE manual.

(23)(22) Water System: All or any part of the public water system owned and operated by the Medford Water Commission, including all service lines to and including the water meters.

SECTION 2. Section 4.710 of the Medford Code is amended to read as follows:

4.710 Monthly Storm Drainage Charges.

The minimum service charge per ~~property tax lot~~ shall be that established for a single family unit.

SECTION 3. Section 4.761 of the Medford Code is amended to read as follows:

4.761 Imposition of Utility Fee.

(c) Customers classified as non-profit, houses of worship and fraternal organizations shall receive a 50% reduction in their Modified Average Daily Trip-End **where the building or unit's primary purpose is administration**. The reduction applies to the headquarters or main administrative offices only; satellite or auxiliary facilities operated by these organizations at other sites shall not receive the discount. Government offices directly concerned with the delivery of social services to individuals and families are not eligible for the discount.

(d) Effective July 15 of each year below, **except as noted**, the rates shall be as follows:

	2013	2015	03/15/2016	2016	2017
Residential	\$0.883	\$0.960	\$0.670	\$1.017 \$0.727	\$1.058 \$0.768
Non-Residential	\$0.553	\$0.601	\$0.420	\$0.637 \$0.456	\$0.663 \$0.482

~~(3) On August 1, 1998, the charge per trip end was increased by \$0.077 per trip end. Further increases occurred on March 1, 2001 (\$0.054/trip end), March 1, 2002 (\$0.073/trip end), and March 1, 2003 (\$0.074/trip end).~~

~~These increases were implemented to provide funding for the City's 17 Transportation Project list, adopted by the City Council in 1998. When sufficient funds have been collected to complete these projects, the charge per trip end shall be reduced by \$0.290 for residential customers and \$0.181 for non-residential customers.~~

SECTION 4. Section 4.763 of the Medford Code is amended to read as follows:

4.763 Determination of Utility Fee.

TABLE 4.1
ITE Bundles and Formulas for Determining Trip-Ends

<i>Bundle</i>	<i>ITE Codes</i>	<i>Unit of Quantity</i>	<i>Quantity Range</i>	<i>Modified Average Daily Trip-End Formula</i>	<i>Pass-By Factor</i>

RESIDENTIAL					
A. Single-Family/ADU, Duplex, Condo, Townhome	210, 224, 230-233	Dwelling Units	All	9.57	1.00

B. Apartments/SFR w/ADU, Duplex	220, 223, 265, 270	Dwelling Units	All	6.75	1.00

(2) Gross Floor Area (GFA): The gross floor area of a building is the ~~same sum~~ (in square feet) of the area at each floor level, including cellars, basements, mezzanines, penthouses, corridors, lobbies, stores and offices that are included within the principal outside faces of exterior walls, not including architectural setbacks or projections.

~~All unroofed areas and unenclosed roofed-over spaces, except as defined above, are to be excluded from the area calculations. Any roofed-over areas with three or more enclosed sides which limit pedestrian circulation shall be included in the gross floor area.~~

SECTION 5. Section 4.1003 of the Medford Code is hereby repealed:

4.1003 Definitions.

(1) "Developed property" means property on which improvements have been constructed.

SECTION 6. Section 4.1103 of the Medford Code is hereby repealed:

4.1103 Definitions.

(1) "Developed property". Property on which improvements have been constructed.

(2) "Responsible party". ~~Unless another responsible party has agreed in writing to pay and a copy of that writing is filed with the City, the person(s) paying the City's water utility charges shall pay the Public Safety Fees. If there is no water service to the property or if water service is discontinued, the Public Safety Fees shall be paid by the person(s) having the right to occupy the property.~~

SECTION 7. Section 4.1111 of the Medford Code is amended to read as follows:

4.1111 Imposition of Utility Fee.

There is hereby imposed upon the responsible party for each developed parcel in the City, ~~an initial a~~ **Public Safety Fee for each residential dwelling unit, business unit or tenant space existing on that parcel,** which shall be as follows:

<u>01-15-2014</u>	<u>03-15-2016</u>
\$4.60	\$7.42

~~and for each business unit or tenant space existing on that parcel the fee shall be as follows:~~

~~\$4.60~~

This fee is deemed reasonable and is necessary to fund public safety. ~~The effective starting date of this fee will be January 15, 2014, and will first appear on utility bills delivered in February 2014. The January 15, 2014, \$2.00 per-unit increase and the March 15, 2016 \$2.82 per-unit increase are~~

is to provide funding for the public safety facilities. ~~The Public Safety Fee will increase by an additional \$2.82 when the Street Utility Fee is reduced for the completion of the City's 17-Transportation Project list. It is anticipated that this decrease will occur in 2018. The \$2.82 increase in the Public Safety Fee and decrease in the Street Utility Fee will occur simultaneously.~~

SECTION 8. Section 4.1200 of the Medford Code is amended to read as follows

4.1200 Billing, Collection and Enforcement of Utility Fees.

(3) ~~Utility Street, sewer and parks utility~~ fees shall not be assessed during any period when the account is closed and the premises are unoccupied and unused. ~~However, if the account remains closed for more than 30 days, a utility account shall be established in the property owner's name and the storm drain fee will be assessed.~~

(a) ~~Street, and park and pedestrian street light~~ fees will not be assessed to a vacant unit within a commercial, non-residential property provided the property owner has notified the City that the unit is vacant.

(b) ~~Sewer, street, home-based business and park fees will not be assessed to a vacant residential dwelling unit during winter months when the property owner notifies the City that they will be on vacation for a minimum of three (3) months. Billing will resume for all fees upon the property owner's return, or when there is water consumption on the utility account. Winter months are the non-irrigation season for the Rogue River as defined by the Oregon Water Resources Department, currently November 1 through March 30.~~

SECTION 9. Section 4.1202 of the Medford Code is amended to read as follows:

4.1202 Rendering and Payment of Bills.

(7) An annual billing plan is available with one yearly payment which includes a 3.5% discount. ~~The bill is calculated based on the past 11 month's water usage for sewer plus the current month, and 12 months of storm drain, street, parks and public safety year's utility~~ fees as applicable to the current applicant. This is an estimated billing, which is adjusted at the end of the 12-month period. Customers receive a monthly ~~memo~~ statement showing current charges and remaining credit balance.

SECTION 10. Section 4.1203 of the Medford Code is amended to read as follows:

4.1203 Recovery of Unpaid Charges; Enforcement.

(b) Street, Storm Drain, Parks, Public Safety and Pedestrian Street Light fees: Delinquent utility accounts that have not had water shut-off for non-payment of ~~Street, Storm Drain, Parks, Public Safety and Pedestrian Street Light~~ utility fees shall be referred to a collection agency

after a notice to that effect has been sent by the City to the last known address of the last known responsible party. Such notification shall provide for payment in full to be made within 15 days of the date notification was mailed. Accounts referred to collection shall have the costs for collection **and interest** added to the delinquent utility balance.

PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2016.

Mayor

NOTE: Matter in **bold** is new. Matter ~~struck out~~ is existing law to be omitted. Three asterisks (***) indicate existing law which remains unchanged by this ordinance but was omitted for the sake of brevity.



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.2

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Public Works Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: April 21, 2016

COUNCIL BILL 2016-46

An ordinance awarding a contract in the amount of \$311,311.31 to Knife River Materials to perform asphalt pavement overlays on various streets.

SUMMARY AND BACKGROUND

Knife River Materials is the low bidder for a contract to perform asphalt pavement overlays on various streets in the City of Medford. The City contracts for a large portion of pavement maintenance because it is seasonal work that exceeds the capacity of Public Works crews.

Timely repair of streets decreases long-term maintenance costs by postponing the need for more costly reconstructions and produces a smoother ride for the traveling public. This contract includes overlays of locally failed pavement areas. Overlays are a cost-effective option for restoring structural integrity to an otherwise sound street section.

PREVIOUS COUNCIL ACTIONS

None.

ANALYSIS

The existing pavement condition has been analyzed and it has been determined that this maintenance option will produce a smoother and safer ride for the traveling public at the lowest life-cycle cost.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Expenditure of \$311,311.31 which is included in the 2015/2017 biennium budget for the Street Utility Fund (Fund 24).

TIMING ISSUES

Work will start after July 11, 2016 and is scheduled to be complete by August 26, 2016.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance for a contract with Knife River Materials.

SUGGESTED MOTION

I move to approve the ordinance for a contract in the amount of \$311,311.31 to Knife River Materials for asphalt pavement overlays.

EXHIBITS

Ordinance
Bid Tabulation
Work to be done
Contract documents are on file in the City Recorder's office

ORDINANCE NO. 2016-46

AN ORDINANCE awarding a contract in the amount of \$311,311.31 to Knife River Materials to perform asphalt pavement overlays on various streets.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That a contract in the amount of \$311,311.31 to perform asphalt pavement overlays on various streets, which is on file in the City Recorder's office, is hereby awarded to Knife River Materials.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

SPECIAL PROVISIONS

WORK TO BE DONE

The Work to be done under this Contract consists of asphalt repairs, cold plane removal of pavement and overlay of various streets, manhole adjustments and other appurtenances, etc. on (1) street section, in the City of Medford, Oregon.

- 1. Minor Adjustment of Manholes & Minor Adjustment of Manholes Cast Iron.
- 2. Cold Plane Removal of Pavement.
- 3. 4 inch Asphalt Concrete Repairs
- 4. Place Level 3, 1/2 Dense HMA or WMA
- 5. Install Traffic Loops & Home Runs
- 6. Perform additional and incidental Work as called for by the Specifications and Plans.

This project includes work at the following locations:

STREET SECTION	FROM	TO	4 INCH ASPHALT CONCRETE REPAIR	EDGE GRIND / BUTT JOINTS
N Phoenix Rd	Hillcrest Rd	Cherry Ln	450 SY	12,900 SY

APPLICABLE SPECIFICATIONS

The Specification that is applicable to the Work on this Project is the 2008 edition of the "Oregon Standard Specifications for Construction".

All number references in these Special Provisions shall be understood to refer to the Sections and subsections of the Standard Specifications and Supplemental Specifications bearing like numbers and to Sections and subsections contained in these Special Provisions in their entirety.

CLASS OF PROJECT

This is a City of Medford Project.

SECTION 00110 - ORGANIZATION, CONVENTIONS, ABBREVIATIONS AND DEFINITIONS

Comply with Section 00110 of the Standard Specifications modified as follows:

00110.20 Definitions –Add the following:

“Agency” is the City of Medford



CITY OF MEDFORD
AGENDA ITEM COMMENTARY

Item No: 60.3

www.ci.medford.or.us

DEPARTMENT: Public Works
PHONE: (541) 774-2100
STAFF CONTACT: Cory Crebbin, Public Works Director

AGENDA SECTION: Ordinances and Resolutions
MEETING DATE: April 21, 2016

COUNCIL BILL 2016-47

An ordinance authorizing execution of an Intergovernmental Agreement between the City of Medford and Jackson County Fire District 3 for vehicle maintenance and repairs.

SUMMARY AND BACKGROUND

An ordinance authorizing a new Intergovernmental Agreement (IGA) between the City of Medford and Jackson County Fire District 3 for vehicle maintenance and repairs.

PREVIOUS COUNCIL ACTIONS

The previous IGA was approved by Council on November 7, 2013.

ANALYSIS

The Public Works Department operates a fleet services facility where all types of vehicles and equipment that are owned by the City of Medford are maintained. Approving this agreement will continue to provide the Jackson County Fire District 3 with a cost effective method of maintaining their vehicles and equipment while providing the City of Medford with additional revenue.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

The fiscal impact will depend on the actual volume of work that is requested by the Jackson County Fire District 3 and provided by the City of Medford. It is estimated that the City will receive \$90,000 per year in revenue.

TIMING ISSUES

This IGA will allow the City of Medford to provide vehicle maintenance and repair services for Jackson County Fire District 3 until July 1, 2022. A provision to extend the IGA for an additional 4 years is included.

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Approve the ordinance authorizing a new IGA between the City of Medford and Jackson County Fire District 3 for vehicle maintenance and repair services.

SUGGESTED MOTION

I move to approve the ordinance authorizing the IGA with Jackson County Fire District 3.

EXHIBITS

Ordinance
Intergovernmental Agreement is on file in the City Recorder's Office

ORDINANCE NO. 2016-47

AN ORDINANCE authorizing execution of an Intergovernmental Agreement between the City of Medford and Jackson County Fire District 3 for vehicle maintenance and repairs.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of an Intergovernmental Agreement between the City of Medford and Jackson County Fire District 3 for vehicle maintenance and repairs, which agreement is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.4

www.ci.medford.or.us

DEPARTMENT: City Manager's Office

PHONE: 541-774-2000

STAFF CONTACT: John W. Hoke, City Manager Pro Tem

AGENDA SECTION: Ordinances and Resolutions

MEETING DATE: April 21, 2016

COUNCIL BILL 2016-48

An ordinance granting to Qwest Corporation, dba CenturyLink QC (CenturyLink), the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

SUMMARY AND BACKGROUND

Qwest Corporation, dba CenturyLink QC (CenturyLink) uses the public right-of-way to locate, construct, operate, and maintain facilities within the City of Medford. Facilities are installed underground except along routes currently existing at the enactment of the ordinance, or where infeasible, as mutually agreed upon by both the City and CenturyLink.

PREVIOUS COUNCIL ACTIONS

Council approved Ordinance 7610 on Oct. 6, 1960 authorizing Pacific Telephone and Telegraph to operate a telephone and telegraph utility system within the City of Medford. Resolution 1083 was approved in April of 1961 assigning the agreement to Pacific Northwest Bell Telephone Company. On October 21, 1971, Ordinance 1181 was approved. Council approved Ordinance 4213 on December 18, 1980. Ordinance 6780 to US West Communications, Inc. was approved on December 6, 1990. Ordinance 2000-239, approved on December 21, 2000, extended 6780 through June 30, 2001. Council approved Ordinance 2001-117 on June 21, 2001 extending the franchise agreement through December 31, 2001. Qwest continues to pay a 7% franchise fee, however there has not been an active agreement since December 31, 2001.

ANALYSIS

This ordinance authorizes CenturyLink to operate within the City of Medford. They provide telephone and internet services and use the public right-of-way to locate, construct, operate, and maintain their facilities.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

Approximately \$199,000 in revenue

TIMING ISSUES

None

COUNCIL OPTIONS

Approve, modify, or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends adoption of the ordinance to authorize a franchise agreement with Qwest Corporation, dba CenturyLink QC.

SUGGESTED MOTION

I move to adopt the ordinance authorizing a franchise agreement with Qwest Corporation, dba CenturyLink QC.

EXHIBITS

Ordinance

ORDINANCE NO. 2016-48

AN ORDINANCE granting to Qwest Corporation, dba CenturyLink QC (CenturyLink), the non-exclusive privilege (Franchise) to use the public way to locate, construct, operate and maintain facilities within the City of Medford.

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. As used in this ordinance, the following words and phrases shall mean:

City: The City of Medford, Oregon.

City Manager: The City Manager or his or her designee.

Facilities: All pipelines, conduits and associated structures owned by Grantee for use by Grantee in providing telecommunications services to the inhabitants and City of Medford.

Grantee: CenturyLink, its successors and assigns.

Public way: Any highway, street, road, alley, public right-of-way or utility easement for public use under control of the City within the corporate limits of the City now existing and as annexed during the term of this Franchise.

Gross revenues: As defined in ORS §§221.515 and 403.105.

Section 2. A reliable source for telecommunications services is in the public interest of the City and its inhabitants. Therefore, subject to the provisions and restrictions of this ordinance and the Code of Medford, the City grants to Grantee the non-exclusive privilege to locate, construct, operate and maintain its facilities in the public way.

Section 3. Except as provided in this section, Grantee's facilities shall be installed underground except along those routes existing at the time of enactment of this ordinance or where infeasible, as mutually agreed upon by both parties. Subject to the City Manager's authority to prescribe which public ways will be used and the location within the public way, it shall be lawful for Grantee to make all necessary excavations in any public way for the purpose of locating, constructing, operating and maintaining its facilities. Grantee's use of the public way and all construction by Grantee shall comply with the standard specifications and special provisions of the City and all other applicable Federal, State and local laws and regulations, and Grantee and the City shall comply with the requirements of the Oregon Utility Notification Law, ORS Chapter 757 (2013), and the related rules and administrative regulations promulgated thereunder in OAR Chapter 952. No work affecting the public way shall be done by the Grantee without first obtaining the permits required by the City, which may include plan submittal and approval before work begins. During the approval process, Grantee shall bear the burden of proof regarding the infeasibility of installing facilities underground along new routes when requesting customary above-

ground facilities; under such circumstances, the City and Grantee will work together in good faith to reach a mutually agreeable solution consistent with this Section 3.

Section 4. New plans will be furnished promptly for any additions or modifications. Plans for facilities already existing on the effective date of this Franchise that Grantee has not already provided to the City under previous agreement or ordinance shall be furnished to City within 60 days after the effective date of this Franchise.

Section 5. Nothing in this Ordinance shall be construed in any way to prevent the City from constructing and maintaining any public improvement in any public way. In its construction and maintenance of public improvements, the City shall endeavor not to obstruct or prevent the free use by Grantee of its facilities; however, the City's rights shall be paramount, subject to applicable state and federal law.

Section 6. The City shall have the right to require Grantee to change the location of any facility within the public way when the City determines that the public convenience requires such change, and the expense thereof shall be paid by Grantee, provided the City's request is (a) not unreasonable or discriminatory in nature, (b) is consistent with a lawful exercise of the City's police power, and (c) subject to applicable state and federal law.

If the City requires Grantee to relocate its facilities located within the City, the City will make a reasonable effort to provide Grantee with an alternate location for its facilities within the public way. City shall give Grantee written notice to relocate its facilities at least 120 days prior to the date established by the City as the deadline for relocation. Within 30 days receipt of such notice, Grantee shall do any necessary field investigation and furnish the City with a plan showing the exact location of all of Grantee's facilities in the construction area and showing necessary adjustments and reasonable time requirements. Thereafter, the City will furnish Grantee with final improvement plans and a schedule which allows Grantee a reasonable time to complete the relocation of its facilities.

Should Grantee, due to its negligence, fail to relocate any such facilities by the date established by the above-referenced final improvement plans and schedule, the City may effect such relocation at its own risk. The work shall be done by a qualified contractor. The reasonable and verifiable expense thereof shall be paid by Grantee. Grantee shall pay the City's charges for such work within 30 days after receipt of City's statement of charges, subject to Grantee's rights to pursue legal and equitable remedies.

Section 7. Should it ever become necessary to permanently or temporarily rearrange, or permanently or temporarily relocate Grantee's facilities at the request of a private person or business to the City, Grantee shall perform such rearrangement or relocation as expeditiously as possible upon receipt of reasonable written notice from the person or business desiring the temporary change of the facilities if such notice meets all of the following requirements:

- (a) approved by the City Manager in writing,

- (b) provides all necessary information about the project,
- (c) provides that the costs incurred by Grantee in making the change be borne by the person or business giving said notice,
- (d) provides that the person or business giving notice shall indemnify and hold harmless the Grantee and City of and from any and all damages or claims of whatsoever kind or nature caused directly or indirectly from such change of Grantee's facilities, and
- (e) accompanied by a cash deposit or a good and sufficient bond to pay any and all of the Grantee's estimated costs as estimated by Grantee, unless Grantee provides written confirmation that it waives such requirement.

Section 8. Grantee shall at all times maintain all of its facilities in a good state of repair. Any damage to the public way caused by Grantee shall be promptly repaired by Grantee at no cost to the City. Grantee shall have a local representative available at all times through the local utility coordinating notification center, whether it be the Rogue Basin Utilities Coordinating Council, the Oregon Utility Notification Center, or any such successor authority, to locate Grantee's facilities for persons who need to excavate in the public way. Should Grantee fail to maintain or repair any such facilities by the date established by the City, the City may affect such repair at its own risk, and the reasonable and verifiable expense thereof shall be paid by Grantee. Procedures and costs shall be as in Section 6 above.

Section 9. Grantee shall indemnify and hold harmless the City from any and all damages of any kind or character to the extent caused by the location, installation, operation and maintenance of the Grantee's facilities in the City by Grantee or its contractors, except to the extent caused by the City's or a third party's negligence, recklessness or willful misconduct. Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

Section 10. In consideration of the privileges and franchise granted, Grantee shall pay as compensation for the use of the public way seven percent (7%) of the gross revenue collected by Grantee from its customers for telecommunications services provided within the corporate limits of the City.

Said franchise fee shall not be in addition to any other special license, occupation, franchise or excise taxes or charges which might otherwise be levied or collected by the City from Grantee with respect to Grantee's telecommunications business or the exercise of this franchise within the corporate limits of the City, and the amount due to the City under any other special license, occupation, franchise or excise taxes or other charges for corresponding periods shall be reduced by deducting therefore the amount of said franchise fee paid hereunder. A deductible "special" tax or charge is one that is levied only on Grantee or only on utility companies.

Grantee shall not deduct any general business taxes or general sales taxes levied or collected by the

City. Grantee shall not deduct charges and penalties imposed by the City for noncompliance with charter provisions, ordinances, resolutions or permit conditions from the franchise fee payment required by this section. Nothing contained herein shall relieve the Grantee from the requirement to pay a system development charge properly imposed by the city in the appropriate cases consistent with applicable law, and such system development charges shall not reduce the franchise fee. Except as required by the City's moratorium on pavement cuts, Grantee shall not be required to pay any permit fees or similar charges for street opening, installations, construction and the like.

Grantee's payment shall be paid monthly beginning the 15th day of the month immediately following the previous month and shall be computed on the gross revenues accruing during the previous month or portion thereof.

With each franchise fee payment, the Grantee shall furnish a statement setting forth the amount and calculation of the payment. The statement shall detail the revenues received by the Grantee from its operations within the City and shall specify the nature and amount of all exclusions and deductions from such revenues claimed by the Grantee in calculating the franchise fee.

Payment not received within thirty (30) days from the due date shall be assessed interest at the rate of one percent (1%) compounded monthly from the due date. Except as otherwise required or allowed by law or rule, no portion of this franchise fee shall be noted separately on any bill to any customer or user of services or commodities furnished by Grantee. The look-back period for overages and underages shall be thirty-six (36) months from the due date of the payment. Subject to the thirty-six (36) month look-back period, no acceptance of any payment shall be construed as an accord that the amount paid is in fact the correct amount, nor shall any acceptance of payments be construed as a release of any claim the City may have for further or additional sums payable. Subject to the thirty-six (36) month look-back period, all amounts paid shall be subject to confirmation and re-computation by the City.

Section 11. Payment of this franchise fee shall not exempt Grantee from the payment of any other license fee, tax or charge on the business, occupation, property or income of Grantees that may be imposed by the City, except as may otherwise be provided in the ordinance or ordinances imposing such other license fee, tax or charge, and subject to applicable state and federal law.

Section 12. This Franchise shall continue and be in force until midnight April 21, 2026. This Franchise may be terminated at any time upon 45 days written notice for failure to pay the fee pursuant to Section 10 of this ordinance or comply with other material provisions of this agreement or the Code of Medford unless such failure is remedied within the 45-day period. Otherwise, this agreement shall remain in effect.

Section 13. This Franchise is not transferable. Nothing herein shall be interpreted to limit Grantee's rights to use contractors, nor its right or responsibility, as applicable, to allow other entities to use portions of its telecommunication system; in such instances, neither notice to nor consent from the City shall be required.

Notwithstanding anything to the contrary within the terms of this Franchise, Grantee shall have the

right to assign its rights and interest under the Franchise to its subsidiaries, affiliates or successor legal entities or to the subsidiaries or affiliates of CenturyLink without notice or consent.

Section 14. The City Manager is authorized to act for the City in all matters pertaining to this Franchise. Grantee may appeal any action of the City Manager to the City Council by giving written notice thereof within twenty-one (21) days after Grantee was notified of such action. The City Council will hear the appeal and render a final decision within thirty (30) days after the notice of appeal is given.

Section 15. Whenever any notice is to be given pursuant to this ordinance, it shall be effective on the date it is sent in writing by registered or certified mail, addressed as follows:

To the City: City Manager
 Medford City Hall
 411 West 8th Street
 Medford, OR 97501

To Grantee: Qwest Corporation, dba CenturyLink QC
 Karen Stewart, Local Government Affairs Director
 310 SW Park Ave., 11th Floor
 Portland, OR 97205

Notice of change of address may be given in the same manner as any other notice.

Section 16. This franchise supersedes all prior franchises between City and Grantee.

Section 17. Proprietary information as identified and provided by the Grantee to the City under this Ordinance is entitled to protection as trade secrets and shall be governed by confidentiality procedures pursuant to ORS 192.501, ORS 192.502 and under any other applicable State or Federal laws.

Section 18. This ordinance shall be governed by Oregon law. Nothing in this Ordinance is intended to be inconsistent with the State or Federal Law and further neither the City nor Grantee waives any rights granted under State or Federal Law by agreeing to this Ordinance. If any clause, sentence, or section of this Ordinance, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid.

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PASSED by the Council and signed by me in authentication of its passage this ____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED: _____, 2016.

Mayor

Qwest Corporation dba CenturyLink QC

By: 

Title: VP OPERATIONS

-6-Ordinance No. _____

Qwest Corporation dba CenturyLink QC



CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 60.5

www.ci.medford.or.us

DEPARTMENT: City Manager's Office **AGENDA SECTION:** Ordinances and Resolutions
PHONE: 541-774-2089 **MEETING DATE:** April 21, 2016
STAFF CONTACT: John W. Hoke, City Manager Pro Tem

COUNCIL BILL 2016-49

An ordinance authorizing execution of a quitclaim deed releasing interest in a vacated alley between Quince Street and Rose Avenue in exchange for right-of-way from Jackson County in conjunction with the 8th and Main Street Signal Modifications Project.

SUMMARY AND BACKGROUND

An ordinance authorizing a quitclaim deed releasing interest in property vacated by the City in exchange for right-of-way needed from Jackson County in conjunction with the 8th & Main Signal Modifications Project.

PREVIOUS COUNCIL ACTIONS

Council initiated a vacation of an approximate 15 foot by 237 foot strip of public right-of-way with Resolution 2014-19 on February 6, 2014. On May 15, 2014, Council approved Ordinance 2014-47 vacating same property.

ANALYSIS

Upon vacation of the property, it reverted back to the original owner, which according to the County Surveyor records, was the City of Medford. The purpose of the vacation was to release the property to Jackson County. Therefore, since the property reverted to City of Medford ownership, a Quitclaim deed is required for the final release of the property to Jackson County.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

None

COUNCIL OPTIONS

Approve, modify or deny the ordinance.

STAFF RECOMMENDATION

Staff recommends approval of the ordinance to release and quitclaim an approximate 15 foot by 237 foot strip of public right-of-way to Jackson County as described in Ordinance 2014-47.

SUGGESTED MOTION

I move to approve the ordinance to release and quitclaim an approximate 15 foot by 237 foot strip of public right-of-way to Jackson County as described in Ordinance 2014-47.

EXHIBITS

Ordinance
Jackson County Order
Ordinance 2014-17
Quitclaim Deed in the City Recorder's Office

ORDINANCE NO. 2016-49

AN ORDINANCE authorizing execution of a quitclaim deed releasing interest in a vacated alley between Quince Street and Rose Avenue in exchange for right-of-way from Jackson County in conjunction with the 8th and Main Street Signal Modifications Project.

WHEREAS, City Council initiated a vacation of an approximate 15 foot by 237 foot strip of public right-of-way which is an alley extending between Quince Street and the alley between Rose Avenue and Quince Street with Resolution 2014-19 on February 6, 2014; and

WHEREAS, City Council approved Ordinance 2014-47 on May 15, 2014 vacating the same property; and

WHEREAS, upon vacation of the property, it reverted back to the original owner, the City of Medford; and

WHEREAS, the purpose of the vacation was to release the property to Jackson County; now therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

That execution of a quitclaim deed releasing interest in a vacated alley between Quince Street and Rose Avenue in exchange for right-of way from Jackson County in conjunction with the 8th and Main Street Signal Modification Project, which is on file in the City Recorder's office, is hereby authorized.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

BEFORE THE BOARD OF COUNTY COMMISSIONERS

STATE OF OREGON, COUNTY OF JACKSON

IN THE MATTER OF AUTHORIZING THE)
CHAIR OF THE JACKSON COUNTY BOARD)
OF COMMISSIONERS TO EXECUTE A RIGHT)
OF WAY DEDICATION IN EXCHANGE FOR)
THE DEED OF A VACATED ALLEY ON)
QUINCE STREET WITH THE CITY OF)
MEDFORD

ORDER NO. _____

WHEREAS, Whereas Jackson County completed a vacation of right of way for a un-developed alley bisecting County property on Main and Quince described as 372W25AC-19900 & 372W25AC-20000, alley more fully described in Instrument number 2010-38576; and

WHEREAS, after the completion of the vacation of right of way described in Instrument 2014-12149 property reverted to the City of Medford, per document described as Volume 324, page 250 of the Official Records of Jackson County Oregon; and

WHEREAS, the City of Medford desires to acquire 72 square feet of additional right of way on the corner of Oakdale and Eighth St from parcel described as 372W25DA-100, for improvements to the intersection; and

WHEREAS, Jackson County desire to acquire the vacated right of way parcel in order to make parcels on Quince and Main contiguous for future development of the parcels.

Now, therefore,

The Board of County Commissioners of Jackson County ORDERS:

1. The Chair of the Jackson County Board of Commissioners is hereby authorized to execute a right of way dedication described in exhibit A in exchange for a quitclaim deed of the vacated alley described in Instrument number 2010-38576 with the City of Medford.

DATED this _____ day of _____, 2016, at Medford, Oregon.

JACKSON COUNTY BOARD OF COMMISSIONERS

Rick Dyer, Chair

Colleen Roberts, Commissioner

Doug Breidenthal, Commissioner



I, Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Christine Walker - County Clerk

ORDINANCE NO. 2014-47

AN ORDINANCE vacating an approximate 15 foot by 237 foot-long strip of public right-of-way which is an alley extending between Quince Street and the alley between Rose Avenue and Quince Street, approximately 215 feet north of West Main Street.

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2014-19, initiated proceedings for the vacation; and

WHEREAS, the City Council fixed 7:00 o'clock p.m. on April 17, 2014, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area; and

WHEREAS, the City Recorder has given notice of the time and place for said hearing as required by law; and

WHEREAS, at the time and place set for hearing, applicant requested a continuance to May 15, 2014, and the Council by motion continued the public hearing; and

WHEREAS, at the May 15th public hearing, the City Council heard all testimony in favor of and opposed to the proposed vacation; and

WHEREAS, on the basis of the facts and conclusions stated in the Staff Report dated March 6, 2014, on file in the Planning Department, the City Council has deemed it to be in the public interest that said area be vacated; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That an approximate 15 foot by 237 foot-long strip of public right-of-way which is an alley extending between Quince Street and the alley between Rose Avenue and Quince Street, approximately 215 feet north of West Main Street, described in Exhibit A attached hereto and incorporated herein, is hereby vacated and the ownership of the said area hereby vacated shall become vested as provided by law; and retain an easement for the existing public utilities.

Section 2. The council finds and determines that written objections were not received from the owners of a majority of the area affected by the vacation.

Section 3. The council finds and determines that the vacation of said area in the city of Medford is in the public interest and does not damage or cause a deterioration of the market value of

any real property of non-consenting owners (if any) abutting the same or any portion thereof and that no damage on account thereof shall be allowed.

Section 4. The City Recorder is hereby directed to cause a certified copy of this ordinance, together with any map, plat or other record showing the area, to be filed with the County Surveyor of Jackson County, Oregon.

PASSED by the Council and signed by me in authentication of its passage this 15 day of May, 2014.

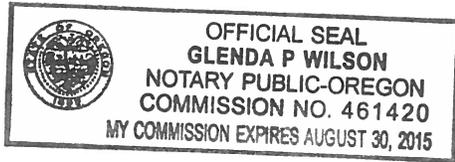
ATTEST: Glenda Wilson
City Recorder

APPROVED May 15, 2014.

Gary H. Wheeler
Mayor
Robert White
Mayor

State of Oregon)
County of Jackson)

On this 15 day of May, 2014, Gary H. Wheeler, as Mayor for the City of Medford, personally appeared before me and is known to me to be the person whose name is signed to this document, and acknowledges that he signed the document.



Glenda P. Wilson
Notary Public for Oregon
My Commission expires: 8-30-15

EXHIBIT A

LEGAL DESCRIPTION OF AREA TO BE VACATED

RECEIVED
NOV 25 2013
PLANNING DEPT

Beginning at a point on the East line of Lot 8 in Block 2 of Crowell Addition to the City of Medford, Jackson County, Oregon, according to the official plat thereof, now of record; 30 feet North of the southeast corner of said lot; thence North along the East line of said lot, 15 feet; thence West along the South line of tract described in Volume 170, page 189 of the Deed Records of Jackson County, Oregon, 237.2 feet to the West line of Lot 5 in said Block; thence South along said line, 15 feet to a point West of the point of beginning; then East 237.2 feet to the point of beginning.

Vacation Applicant: Jackson County

Assessor Map: 37-2W-25AC, TL 19900

CITY OF MEDFORD
EXHIBIT A
FILE # SV-13-123

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CITY OF MEDFORD AGENDA ITEM COMMENTARY

Item No: 70.1

www.ci.medford.or.us

DEPARTMENT: Finance
PHONE: (541) 774-2030
STAFF CONTACT: Alison Chan, Finance Director

AGENDA SECTION: Public Hearing
MEETING DATE: April 21, 2016

COUNCIL BILL 2016-50

A resolution of the City Council of the City of Medford, Oregon authorizing the approval of Revenue Notes (Asante Health System), in one or more series, issued by the Hospital Facilities Authority of the City of Medford, Oregon.

SUMMARY AND BACKGROUND

A Public Hearing and a Resolution approving the issuance by the Hospital Facilities Authority of the City Medford (Asante Health System) of one or more series of revenue notes, in an aggregate amount not to exceed \$20,000,000.

The Authority received a request from Asante to issue Revenue Notes. The purpose of the Notes is to finance the acquisition of medical equipment and capital improvements related to such equipment acquisition at the Asante's various medical facilities and offices.

For the Notes to qualify as tax-exempt obligations, City approval is required following a public hearing. A public hearing will be held by the City immediately prior to consideration of the Resolution approving the Notes. The City is not the issuer of the Notes and the City will not be liable for payment of the Notes. The Notes will be payable only from the revenues and resources of Asante.

On March 24, 2016 the Authority adopted a resolution authorizing the issuance of the Notes. On April 20, 2016 the Board of County Commissioners of Josephine County, Oregon are expected to consider and adopt an order approving the issuance of the Notes. Additionally on April 20, 2016 the Board of County Commissioners of Jackson County, Oregon, are expected to consider and adopt an order approving the issuances of the Notes. The Notes are expected to be issued in May 2016.

PREVIOUS COUNCIL ACTIONS

None

ANALYSIS

The City is not the issuer of the Notes, the City's annual limit on "bank qualified" bonds will not be affected.

FINANCIAL AND/OR RESOURCE CONSIDERATIONS

None

TIMING ISSUES

For the Notes to be issued in May, timely approval of the resolution is needed.

COUNCIL OPTIONS

Approve, modify or deny the resolution.

STAFF RECOMMENDATION

Staff recommends approval of the resolution

SUGGESTED MOTION

I move to approve the resolution authorizing the issuance by the Hospital Facilities Authority of the City Medford (Asante Health System) of Notes in an aggregate amount not to exceed \$20,000,000.

EXHIBITS

Resolution

RESOLUTION NO. 2016-50

A RESOLUTION of the City Council of the City of Medford, Oregon authorizing the approval of Revenue Notes (Asante Health System), in one or more series, issued by the Hospital Facilities Authority of the City of Medford, Oregon.

WHEREAS, The Hospital Facilities Authority of the City of Medford, Oregon (the "Authority") has received a request from Asante, a private, nonprofit corporation organized and existing under the laws of the State of Oregon (the "Borrower") to issue one or more series of revenue notes (the "Notes"), in an aggregate principal amount not to exceed \$20,000,000 to finance the acquisition or purchase of medical equipment and capital improvements related to such equipment acquisition or purchase, all at the Borrower's various medical facilities and offices (collectively, the "Project").

WHEREAS, on March 24, 2016 the Authority adopted a Resolution authorizing the issuance of the Notes (the "Resolution"). The Resolution is attached hereto as **Exhibit A**.

WHEREAS, on April 20, 2016 the Board of County Commissioners of Josephine County, Oregon, as the governmental unit having jurisdiction over the area in which a portion of the Project is located, was scheduled to consider and adopt an Order approving of the issuance of the Notes by the Authority and authorizing the execution and delivery of an Intergovernmental Cooperation Agreement among the Authority, Jackson County, Oregon and Josephine County, Oregon (the "Intergovernmental Agreement").

WHEREAS, on April 20, 2016 the Board of County Commissioners of Jackson County, Oregon, as the governmental unit having jurisdiction over the portion of the Project located outside the City of Medford, Oregon, was scheduled to consider and adopt an Order approving of the issuance of the Notes by the Authority and authorizing the execution and delivery of the Intergovernmental Agreement.

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), requires that qualified 501(c)(3) obligations be approved by the applicable elected representatives of the governmental unit issuing such obligations and the applicable elected representatives of the governmental unit having jurisdiction over the area in which any portion of the Project is located. The City Council of the City are the applicable elected representatives of the governmental unit having jurisdiction over the Authority and having jurisdiction over the area in which a portion of the Project is located.

WHEREAS, the Code authorizes the issuance of revenue obligations for a "qualified 501(c)(3) entity," such as the Borrower.

WHEREAS, Section 147(f) of the Code also requires that a public hearing be conducted to provide the opportunity for members of the public to express their view, orally, or in writing, regarding the issuance of the Notes and the Project.

WHEREAS, the City Council of the City of Medford, Oregon has been advised by note counsel that the principal of and interest on the Notes will not constitute a debt of the City of Medford, Oregon, the Authority, Jackson County, Oregon or Josephine County, Oregon, nor shall the Notes be payable from a tax of any nature levied upon any property within the City of Medford, Oregon, Jackson County, Oregon, Josephine County, Oregon or any other political subdivision of the State of Oregon. The Notes will be payable only from the revenues and resources provided by the Borrower.

WHEREAS, the City Council of the City has been requested by the Authority to conduct a public hearing and approve of the issuance of the Notes by the Authority. A Notice of Public Hearing was published in the April 7, 2016 edition of *The Medford Mail Tribune* and is attached hereto as **Exhibit B**. The public hearing is intended to provide a reasonable opportunity for members of the public to be heard by the City Council of the City regarding the Project. The City Council of the City has conducted the public hearing on behalf of the Authority regarding the issuance of the Notes and invited oral and written comments from the public.

WHEREAS, the City finds that it would be in the best interest of the City to approve of the issuance of the Notes by the Authority pursuant to the requirements of Section 147(f) of the Code.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MEDFORD, OREGON, AS FOLLOWS:

Section 1. Public Hearing Results. The City has reviewed the Notice of Public Hearing published in the April 7, 2016 edition of *The Medford Mail Tribune* and finds that such publication was reasonable public notice of such hearing. The City Council of the City has conducted the public hearing at the request and on behalf of the Authority.

Section 2. Approval of Notes. As the applicable elected representatives of the governmental unit having jurisdiction over the Authority and over the area in which a portion of the Project is located, the City Council approves the issuance of the Notes by the Authority.

Section 3. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption by the City Council.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

**BEFORE THE HOSPITAL FACILITIES AUTHORITY
OF THE CITY OF MEDFORD, OREGON**

RESOLUTION

Authorizing Approval of the Issuance, Sale, Execution and Delivery of Revenue Notes, in One or More Series, by The Hospital Facilities Authority of the City of Medford, Oregon in an Aggregate Principal Amount Not to Exceed \$20,000,000; Authorizing the Execution of a Letter of Intent with Asante; Designating Authorized Representatives; and Related Matters

The Board of Directors of The Hospital Facilities Authority of the City of Medford, Oregon Finds:

1. The Board of Directors of The Hospital Facilities Authority of the City of Medford, Oregon (the "Authority"), a public authority organized and existing pursuant to Oregon Revised Statutes ("ORS") Sections 441.525 to 441.595, inclusive, as amended (the "Act"), has received a request from Asante (the "Borrower"), a nonprofit corporation organized and existing under the laws of the State of Oregon and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the "Code"), to issue revenue notes, in one or more series, in an aggregate principal amount not to exceed \$20,000,000 (the "2016 Notes") for the benefit of the Borrower to finance the costs of purchasing medical equipment for the Borrower's various medical facilities located in Jackson and Josephine Counties (collectively, the "Project").
2. The Authority has received an application from the Borrower in support of its request for financing the Project. The application includes the following:
 - (a) A letter from the Borrower dated March 18, 2016 requesting issuance of the 2016 Notes for the benefit of the Borrower and describing the Project;
 - (b) Borrower's Independent Auditors Report and Financial Statements for fiscal years ended September 30, 2015 and 2014 and Independent Auditors' Report and Financial Statements for fiscal years ended September 30, 2014 and 2013;
 - (c) Distribution list of financing participants; and
 - (d) Preliminary schedule of sources and uses of funds.
3. ORS Section 441.550 authorizes the Authority to borrow money and to issue revenue notes for the purpose of carrying out its powers on such terms as the Board of Directors deems necessary or advisable.
4. The Authority will sell and issue the 2016 Notes, in one or more series, and loan the proceeds thereof under the following financing documents (collectively, the "Financing Documents"), which may include, but are not limited to:
 - (a) one or more Master Financing Agreements among the Authority, the Borrower and Banc of America Public Capital Corp (the "Lender");
 - (b) one or more schedules to the Master Financing Agreements;

- (c) a Tax Certificate and Agreement; and
 - (d) one or more intergovernmental cooperation agreements, among the Authority, Jackson County and Josephine County.
5. The 2016 Notes will be purchased by the Lender. The Borrower intends to enter into certain additional documents with various parties in connection with the sale and issuance of the 2016 Notes that may include, but is not limited to, a master trust indenture, one or more supplements to master trust indenture and one or more credit agreements.
 6. In certain circumstances, Section 147(f) of the Internal Revenue Code of 1986 (the “Code”) requires that qualified 501(c)(3) obligations, such as the 2016 Notes, be approved by the applicable elected representatives of the governmental unit issuing such obligations and having jurisdiction over the area in which a financing is located. In certain circumstances, Section 147(f) also requires that a public hearing be conducted to provide the opportunity for members of the public to express their view, orally, or in writing, regarding the issuance of such tax-exempt bonds. Prior to the time any 2016 Notes are issued, (i) a Notice of Public Hearing will be published or broadcast pursuant to Section 147(f) of the Code, (ii) appropriate public hearings will be conducted providing the opportunity for members of the public to express their view, orally, or in writing, regarding the issuance of the 2016 Notes, (iii) the City Council of the City of Medford, Oregon, as the applicable elected representatives of the governmental unit issuing the 2016 Notes and having jurisdiction over the area in which the financing would be located, will consider a Resolution approving of the issuance of the 2016 Notes, and (iv) applicable elected representatives of other jurisdictions where the Project will be located will consider Orders approving of the issuance of the 2016 Notes.
 7. The principal of and interest on the 2016 Notes will not constitute a debt of the Authority, the City of Medford, Oregon or Jackson or Josephine Counties, Oregon, nor shall the 2016 Notes be payable from a tax of any nature levied upon any property within the City of Medford, Oregon nor within any other political subdivision of the State of Oregon. The Authority has no taxing power. The 2016 Notes will be payable only from the revenues and resources provided or arranged by the Borrower.
 8. Capitalized terms not defined herein shall have the meanings set forth in the Financing Documents.

The Board of Directors of The Hospital Facilities Authority of the City of Medford, Oregon Resolves:

Section 1. The Authority does authorize and approve of the provisions of and directs the execution, sale, delivery and issuance by the Authority of the 2016 Notes, in one or more series, in an aggregate principal amount not to exceed \$20,000,000, to finance the Project.

Section 2. The Authority designates each of the Chair, Vice Chair, Secretary, or any of their designees as “Authorized Representatives,” collectively, and each as an “Authorized Representative,” individually, of the Authority to negotiate the terms and the sale of the 2016 Notes and to determine and designate the dated date, the series designation, the maturity dates and amounts, the interest rates and interest rate modes, the optional and mandatory redemption/prepayment provisions (including provisions for optional extension(s) of the mandatory redemption/prepayment date), with or without premium, if any, and the interest payment dates and such other provisions and terms of the 2016 Notes

as are deemed necessary and desirable for the issuance, sale and closing of the 2016 Notes. The 2016 Notes shall be executed by the facsimile signature of the Chair and shall be attested by the facsimile signature of an Authorized Representative of the Authority. The 2016 Notes shall mature not later than December 31, 2023. The 2016 Notes shall be issued or executed in the form as may be approved by the Authorized Representative.

The Authorized Representative is authorized to execute and deliver a letter of intent, substantially in the form attached hereto as Exhibit A (the "Letter of Intent"), which sets forth the basic obligations of the Authority and the Borrower regarding the 2016 Notes.

Section 3. The Board authorizes any Authorized Representative to review and approve the terms and provisions of the Financing Documents.

Section 4. The Authority provides for the establishment of the special funds as set forth in the Financing Documents, to be held in trust as set forth therein. The Authority is obligated to deposit proceeds of the 2016 Notes to the funds as set forth in and as required by the Financing Documents. In addition, the Authority shall provide for the deposit of all of the loan payments payable to the Authority in accordance with the Financing Documents.

Section 5. The Authority's pledge for the payment of the 2016 Notes shall be valid and binding from the date of the adoption of this Resolution against any parties having subsequent claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have actual notice of this pledge. Pursuant to Oregon Revised Statutes Section 441.555(5), this pledge is noted in the Authority's minute book which shall contain this Resolution and which shall be constructive notice thereof to all parties, and neither this Resolution nor other instrument by which a pledge is created need be otherwise recorded, nor shall the filing of any financing statement under the Oregon Uniform Commercial Code be required to perfect such pledge. Any moneys or obligations so pledged and later received by the Authority shall immediately be subject to the lien of the pledge without any physical delivery or further act.

Section 6. The Authority authorizes the sale of the 2016 Notes to the Purchaser pursuant to the terms and conditions of the Financing Documents as may be approved by any Authorized Representative.

Section 7. The Authority directs an Authorized Representative to execute and deliver the Financing Documents in the forms and with such changes as may be approved by such Authorized Representative. The Authority authorizes the performance by the Authority of the obligations and duties on its part contained in the Financing Documents. Any one or more of the Authorized Representatives shall approve, execute and deliver each of the above-described Financing Documents and such other documents as are necessary or desirable to consummate the sale and issuance of the 2016 Notes.

Section 8. The Authority designates Orrick, Herrington & Sutcliffe LLP as Note Counsel to the Authority ("Note Counsel") for the 2016 Notes and Jack Davis as Special Counsel to the Authority for the 2016 Notes.

Section 9. The 2016 Notes may be transferred or subject to exchange as provided in the Financing Documents. All notes issued upon transfer of or in exchange for 2016 Notes shall be valid obligations of the Authority evidencing the same obligation and shall be entitled to the same benefits as the 2016 Notes surrendered for such exchange or transfer.

Section 10. The Authority may defease the 2016 Notes as provided in the Financing Documents.

Section 11. In consideration of the purchase and acceptance of the 2016 Notes by those who shall own the same from time to time (the "Owners"), the provisions of this Resolution shall be part of the contract of the Authority with the Owners and shall be deemed to be and shall constitute a contract between the Authority and the Owners. The covenants, pledges, and representations contained in this Resolution or in the closing documents executed in connection with the 2016 Notes, including without limitation the Authority's covenants and pledges contained herein, and the other covenants and agreements herein set forth to be performed by or on behalf of the Authority shall be contracts for the equal benefit, protection and security of the Owners, all of which shall be of equal rank without preference, priority or distinction over any other thereof, except as expressly provided in or pursuant to this Resolution.

Section 12. Each Authorized Representative of the Authority is authorized to take such action and to approve, execute or deliver for and on behalf of the Authority such other and additional documents including, but not limited to, certificates, notices, a Tax Certificate and Agreement and an Internal Revenue Service Information Report (Form 8038) at the request of the Borrower in a timely manner, all as may be necessary or desirable in the opinion of Note Counsel, for the issuance, sale or administration of the 2016 Notes. The Authorized Representatives are further authorized to carry out the transactions contemplated by the Financing Documents and as authorized and approved in this Resolution, and to execute and deliver the Financing Documents, the 2016 Notes, the Tax Certificate and Agreement and all other documents hereby authorized, to the respective parties entitled thereto.

ADOPTED and effective this 24th day of March 2016.

**THE HOSPITAL FACILITIES AUTHORITY OF
THE CITY OF MEDFORD, OREGON**

By: _____

Chair

LETTER OF INTENT

between

THE HOSPITAL FACILITIES AUTHORITY OF
THE CITY OF MEDFORD, OREGON

and

ASANTE

THIS LETTER OF INTENT is between THE HOSPITAL FACILITIES AUTHORITY OF THE CITY OF MEDFORD, OREGON, a public authority of the State of Oregon (the “Authority”), and ASANTE, a nonprofit corporation organized and existing under the laws of the State of Oregon and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986, as amended (the “Borrower”).

1. **Preliminary Statement.** Among the matters of mutual inducement, which have resulted in the execution of this Letter of Intent are the following:

(a) The Authority is a public authority, authorized and empowered by ORS 441.525 to 441.595, inclusive, as amended (the “Act”) to issue revenue notes for the purposes specified therein, including providing funds to nonprofit corporations sufficient to improve, extend, maintain, equip and furnish hospital facilities and adult congregate care facilities under the Act, upon such terms and conditions as the Authority may deem advisable.

(b) The Authority proposes to issue revenue notes, in one or more series, in an aggregate principal amount not to exceed \$20,000,000 (the “2016 Notes”). The proceeds of the 2016 Notes will be used to make a loan to the Borrower to finance the costs of purchasing medical equipment for the Borrower’s various medical facilities located in Jackson and Josephine Counties (collectively, the “Project”).

The total estimated costs of the Project to be financed with the proceeds of the 2016 Notes will be in an aggregate principal amount not to exceed \$20,000,000.

(c) The Authority deems it necessary and advisable that it take such action as may be required under the Act to authorize and issue the 2016 Notes, in one or more series, to finance all or a portion of the costs of the Project in a total amount not to exceed \$20,000,000.

(d) The Authority finds that the issuance of the 2016 Notes, in one or more series, to finance the costs of the Project, and the loaning of the proceeds thereof to the Borrower constitutes a valid public purpose.

(e) All references in this Letter of Intent to the Authority shall be deemed to include where appropriate, its elected and appointed officials, employees and agents.

2. **Undertakings on the Part of the Authority.** Subject to (a) the conditions stated herein and (b) the preparation and approval of the various financing documents and review and approval by Note Counsel, as defined below, the Authority agrees and represents as follows:

(a) The Authority will, upon satisfaction by the Borrower of all conditions stated herein and all other conditions imposed on the Borrower by the Authority prior to issuance of the 2016 Notes, authorize and cause the issuance of its 2016 Notes to be payable solely from revenues and assets of the

Borrower to the Authority pursuant to the Financing Documents (as defined in a Resolution adopted by the Authority on March 24, 2016), which 2016 Notes will be in an aggregate principal amount not to exceed \$20,000,000.

(b) The Authority will adopt such proceedings and authorize the execution of such documents as may be necessary and advisable for the authorization, issuance, sale and delivery of the 2016 Notes, and loan the proceeds of the 2016 Notes to the Borrower to finance the Project, all as authorized by law and as mutually satisfactory to the Borrower and the Authority.

(c) The Authority has appointed Orrick, Herrington & Sutcliffe LLP as Note Counsel to the Authority ("Note Counsel") and Jack Davis as Special Counsel to the Authority ("Special Counsel"), to supervise the proceedings and to approve the legality of the 2016 Notes, the tax-exempt status of interest on the 2016 Notes.

(d) Neither the 2016 Notes nor the interest thereon shall be an obligation of the Authority, the City of Medford, Oregon (the "City"), or the State of Oregon, or the personal obligations of the elected or appointed officials, employees or agents of the Authority, the City, or the State of Oregon within the meaning of any constitutional or statutory provisions whatsoever, but shall be payable solely from revenues or assets provided or arranged by the Borrower. The 2016 Notes shall not be a general obligation of the Authority or its elected or appointed officials, employees or agents nor a pledge of the faith and credit of the Authority or its elected or appointed officials, employees or agents nor a debt or pledge of the faith and credit of the City, or the State of Oregon. The Authority has no taxing authority.

(e) No presently existing assets of the Authority or the City shall be given to secure the 2016 Notes, and the 2016 Notes shall be repayable out of, and only out of, revenues or assets provided or arranged by the Borrower.

3. **Undertakings on the Part of the Borrower.** Subject to the conditions above stated, the Borrower agrees as follows:

(a) The Borrower will cooperate with the Authority for the approval of all of the terms and conditions of the issuance of the 2016 Notes and in the sale of the 2016 Notes in an aggregate principal amount not to exceed \$20,000,000 to be used to finance the Project.

(b) At the time of closing of the 2016 Notes, the Borrower will pay to the Authority from Bond proceeds or other available Borrower funds, to Note Counsel and to Special Counsel, fees based on the time incurred with respect to the 2016 Notes and the Project based on its standard hourly rates plus its out-of-pocket expenses.

(c) At the time of closing of the 2016 Notes, the Borrower will deliver the executed Financing Documents, under which terms the Borrower will agree to pay the Authority loan payments sufficient in the aggregate to pay the principal of and interest on, and redemption premium, if any, of the 2016 Notes as and when the same shall become due and payable. The Authority, at its option, may require the 2016 Notes to be secured by a reserve fund acceptable in form and substance to the Authority.

(d) In addition to the indemnification and hold harmless obligations of the Borrower under Section 5(a) hereof, the Financing Documents shall contain provisions in which the Borrower shall indemnify and hold the Authority, the City and Jackson and Josephine Counties (collectively, the

“Counties”), and their elected or appointed officials, employees and agents harmless from all liabilities incurred in connection with the Project or the sale, issuance, marketing or administration of the 2016 Notes.

(e) The Borrower will cause Borrower’s counsel to provide the Authority with a legal opinion substantially the same in form and substance as the legal opinion provided by Borrower’s counsel to the Purchaser with respect to the 2016 Notes.

(f) The Financing Documents shall also contain such other provisions as may be required or permitted by law and as are mutually acceptable to the parties.

(g) In addition to the indemnification and hold harmless obligations of the Borrower under Section 5(a) hereof, the Borrower shall indemnify and save the Authority, the City and the Counties, their appointed or elected officials, employees or agents harmless against and from all claims by or on behalf of any person, firm, corporation or other legal entity arising from any fees or costs incurred by the Authority, the City or the Counties in responding to any Internal Revenue Service audit, Securities and Exchange Commission inquiry or any other federal, state or regulatory action or proceeding with respect to the 2016 Notes or the Project. The Authority may employ, at the Borrower’s expense, any counsel (internal or otherwise) or experts required in responding to any audit, inquiry, regulatory action or proceeding with respect to the 2016 Notes or the Project.

(h) The Borrower will take such further action and adopt such further proceedings as may be required to implement these undertakings.

4. **General Provisions.**

(a) Except as provided in Section 4(b) and Section 5(a) hereof or as otherwise provided herein, all obligations arising under this Letter of Intent are conditioned upon the parties agreeing to mutually acceptable terms for the sale of the 2016 Notes and mutually acceptable terms and conditions for the contracts and agreements contemplated herein; provided, however, that the Authority shall not participate in or be responsible for the marketing of the 2016 Notes.

(b) Notwithstanding anything to the contrary stated herein, the Borrower will pay, or cause to be paid, whether the 2016 Notes are actually issued or not, any fees and expenses incurred in connection with the issuance, sale and on-going administration of the 2016 Notes, including without limitation, the reasonable fees and expenses of Note Counsel, Special Counsel, the Authority’s financial advisor, if any, and a paying agent or registrar, if necessary. In addition, the Borrower shall pay the out-of-pocket costs of Note Counsel, Special Counsel and the Authority’s financial advisor, if any. The Borrower will also pay the cost and fees of its counsel, placement agent, Purchaser’s fees and any other costs incurred in connection with the Project or the 2016 Notes.

(c) The Borrower shall obtain, at its expense, all necessary governmental approvals and opinions of Note Counsel to ensure the legality and tax-exempt status of interest on the 2016 Notes. In addition, the Borrower shall make no use of the Bond proceeds so as to cause the 2016 Notes to be classified as “arbitrage bonds” as that term is defined in the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the “Code”) or cease to be “qualified 501(c)(3) bonds” as that term is defined in Section 145 of the Code.

5. **Miscellaneous Provisions.**

(a) The Borrower shall and hereby agrees to indemnify and save the Authority, the City and the Counties, their appointed or elected officials, employees or agents harmless against and from all claims by or on behalf of any person, firm, corporation or other legal entity arising from the execution of this Letter of Intent and any and all other actions to be taken by the Authority, the City or the Counties relating to the Project or the issuance of the 2016 Notes for so long as the 2016 Notes remain outstanding, including, without limitation, the conduct or management of, or from any work or thing done related to the Project, including without limitation, (i) any condition related to the Project, (ii) any breach or default on the part of the Borrower in the performance of any of its obligations under this Letter of Intent, (iii) any act or negligence of the Borrower, or of any of its agents, contractors, servants, employees or licensees, (iv) any act or negligence of any assignee or lessee of the Borrower, or of any agents, contractors, servants, employees or licensees of any assignee or lessee of the Borrower, (v) any liability arising from the sale, issuance, marketing or administration of the 2016 Notes, or (vi) any Internal Revenue Service audit or proceeding or any Securities and Exchange Commission investigation proceeding or any inquiry or any other federal, state or local regulatory action, investigation or proceeding. The Borrower shall indemnify and save the Authority, the City and the Counties, and their elected or appointed officials, employees or agents harmless from any such claim arising as aforesaid, or in connection with any action or proceeding or costs or fees incurred in any action or proceedings brought thereon whether at trial, on appeal, in bankruptcy proceedings or otherwise, and upon notice from the Authority or its elected or appointed officials, employees or agents, the Borrower shall defend them or either of them in any such action or proceeding at the Borrower's expense.

Notwithstanding the fact that it is the intention of the parties hereto that the Authority, the City and the Counties, and their elected or appointed officials, employees or agents shall not incur any pecuniary liability by reason of the terms of this Letter of Intent or the undertakings required of the Authority, the City or the Counties, or their elected or appointed officials, employees or agents hereunder, by reason of the issuance of the 2016 Notes or by reason of the execution of any Financing Documents relating thereto, or by reason of the performance of any act requested by the Authority, the City or the Counties, their elected or appointed officials, employees or agents or by the Borrower, including all claims, liabilities or losses arising in connection with the violation of any statutes or regulation pertaining to the foregoing; nevertheless, if the Authority, the City or the Counties, or their elected or appointed officials, employees or agents should incur any such pecuniary liability, then in such event the Borrower shall indemnify and hold the Authority, the City and the Counties, and their elected or appointed officials, employees or agents harmless against all claims, demands or causes of action whatsoever, by or on behalf of any person, firm or corporation or other legal entity arising out of the same or out of any lack of offering document in connection with the sale or resale of the 2016 Notes and all costs, fees and expenses, including without limitation, legal fees and expenses whether incurred at trial, on appeal, in bankruptcy proceedings or otherwise incurred in connection with any such claim or in connection with any action or proceeding brought thereon, and upon notice from the Authority or its elected or appointed officials, employees or agents, the Borrower shall defend the Authority and its elected or appointed officials, employees or agents in any such action or proceeding.

Notwithstanding anything to the contrary contained herein, the Borrower shall have no liability to indemnify the Authority, the City or the Counties, or their elected or appointed officials, employees or agents, against claims or damages resulting from the Authority's, the City's or the Counties', or their elected or appointed officials, employees or agents own gross negligence or willful misconduct.

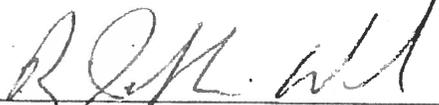
In the event any claim is made against the Authority or the City of Medford, their elected or appointed officials, employees or agents (collectively, the "Indemnified Parties") for which indemnification may be sought from the Borrower under the foregoing provisions, the Indemnified Parties shall promptly give written notice thereof to the Borrower; provided that any failure to give or delay in giving such written notice shall not relieve the Borrower's indemnification obligations as set forth above except to the extent such failure or delay prejudices the Borrower's ability to defend or settle such claim. Upon receipt of such notice, the Borrower shall assume the defense thereof in all respects and may settle such claim in such manner as it deems appropriate so long as there is no liability, cost or expense to the Indemnified Party.

(b) If Bond proceeds are not sufficient to complete the Project, the Borrower agrees to pay, or cause to be paid, the deficiency.

(c) The Authority and the Borrower have caused this Letter of Intent to be authorized by their respective governing body or board of directors, and executed by their duly authorized officers as of the 24th day of March 2016.

**THE HOSPITAL FACILITIES AUTHORITY
OF THE CITY OF MEDFORD, OREGON**

ASANTE

By: 
Authorized Representative

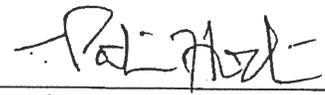
By: 
Authorized Representative

EXHIBIT B

**NOTICE OF PUBLIC HEARING
PUBLISHED APRIL 7, 2016
IN *THE MEDFORD MAIL TRIBUNE***

ORDINANCE NO. 2016-51

AN ORDINANCE vacating a 60-foot by 70-foot section of East Second Street located between the railroad right-of-way and North Front Street.

WHEREAS, the City Council of the City of Medford, Oregon, by Resolution No. 2016-21 initiated proceedings for the vacation; and

WHEREAS, the City Council fixed 7:00 p.m. on April 21, 2016, in the Medford City Council Chambers, 411 W. 8th St., Medford, Oregon, as the time and place for hearing any objections to the proposed vacation of said area; and

WHEREAS, the City Recorder has given notice of the time and place for said hearing as required by law; and

WHEREAS, at the time and place set for hearing the City Council heard all objections to the proposed vacation; and

WHEREAS, on the basis of the facts and conclusions stated in the Commission Report dated April 14, 2016, on file in the Planning Department, the City Council has deemed it to be in the public interest that said area be vacated; now, therefore,

THE CITY OF MEDFORD ORDAINS AS FOLLOWS:

Section 1. That a 60-foot by 70-foot section of East Second Street located between the railroad right-of-way and North Front Street, described in Exhibit A and Exhibit B attached hereto and incorporated herein, is hereby vacated and the ownership of the said area hereby vacated shall become vested as provided by law; and an easement retained for the existing public utilities.

Section 2. The Council finds and determines that written objections were not received from the owners of a majority of the area affected by the vacation.

Section 3. The Council finds and determines that the vacation of said area in the City of Medford is in the public interest and does not damage or cause a deterioration of the market value of any real property of non-consenting owners (if any) abutting the same or any portion thereof and that no damage on account thereof shall be allowed.

Section 4. The City Recorder is hereby directed to cause a certified copy of this ordinance, together with any map, plat or other record showing the area, to be filed with the County Surveyor of

Jackson County, Oregon.

PASSED by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

ATTEST: _____
City Recorder

Mayor

APPROVED _____, 2016.

Mayor

State of Oregon)
County of Jackson)

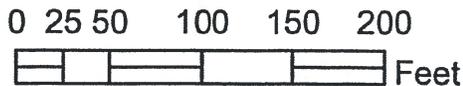
On this _____ day of _____, 2016, Gary H. Wheeler, as Mayor for the City of Medford, personally appeared before me and is known to me to be the person whose name is signed to this document, and acknowledges that he signed the document.

Notary Public for Oregon
My Commission expires:



Legend

-  STREETS
-  Parcels
-  Subject Properties
-  Area to be Vacated



Map Generated by:
 Farber Surveying
 431 Oak St
 Central Point, OR 97502
 Created: November 16, 2015

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

OREGON
 JULY 26, 1985
 HERBERT A. FARBER
 2189

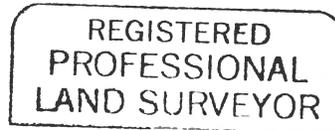
CITY OF MEDFORD
 RENEWS: DEC. 31, 2015
EXHIBIT #
File # SV-15-169

Property Description
A portion of East Second Street
John and Claudia Lawton

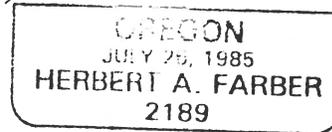
Beginning at the Southerly most corner of Block 27 as described on the Town Map of Medford, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence South 35°30' East, along the Oregon and California Railroad right of way (now Central Oregon & Pacific Railroad), 60.00 feet to the Westerly most corner of Lot 6, Block 28 of said Town Map; thence North 54°30' East, along the Northerly line of said Lot 6 and the right of way of East Second Street, 70.00 feet; thence North 35°30' West, 60.00 feet to the Easterly most corner of said Block 27; thence South 54°30' West, along the Southerly line of said Block 27 and the right of way of East Second Street, 70.00 feet to the Point of Beginning.

Prepared By: Farber and Sons Inc
Farber Surveying
431 Oak Street
Central Point, OR 97502
(541) 664-5599

Date: December 14, 2015



A handwritten signature in black ink, appearing to read "Herbert A. Farber".



RENEWS DEC 31 2015



COMMISSION REPORT

to City Council for a Class-B decision: Right-of-way Vacation

Project East Second Street Vacation (between railroad right-of-way and Front Street)

Applicant: John & Claudia Lawton

Agent: Herbert Farber Surveying

File no. SV-15-169

To Mayor and City Council

for 04/21/2016 hearing

From Carla Angeli Paladino, Planner IV

Reviewer John Adam, AICP, Principal Planner

Date April 14, 2016

BACKGROUND

Proposal

Property owner request to vacate a 60 foot by 70 foot (4,200 square feet) section of East Second Street between the railroad right-of-way and Front Street. (See Exhibits C & D).



History

The application was submitted by a private property owner in late 2015. The request to initiate the right-of-way vacation and set a hearing date was approved by City Council in February 2016. The proposal will vacate a segment of right-of-way between the railroad tracks and Front Street. (Exhibit E)

Committee Comments

The project was presented to the Bicycle and Pedestrian Advisory Committee (BPAC) in February. The Committee discussed retaining a bicycle and pedestrian easement through the property in the event a crossing over the railroad tracks is approved in the future.

Agency Comments

The following agencies did not have any concerns or issues with the proposal: Medford Fire Department, Oregon Department of Transportation (ODOT), the City Surveyor, and Jennifer Ingram, the City's Database Technician. Relevant comments from City Public Works Engineering, Century Link, Medford Water Commission, and Avista Gas are incorporated in the report and attached. (Exhibits F–I)

Authority

This proposed project is a Class-B application for a street vacation. The Planning Commission is authorized to recommend, and the City Council to approve vacations under Medford Municipal Code §§10.102–122, 10.165, and 10.185.

ANALYSIS

The proposal was submitted by John and Claudia Lawton, adjacent property owners to the north (tax lot 2800) of the subject right-of-way. Jack Schmidt is the property owner to the south (tax lot 2900). East Second Street in this location is unpaved, and does not include sidewalk, curb, or gutter along the Front Street side. The street right-of-way is fenced along the western boundary restricting access to the Central Oregon & Pacific Railroad (COPR) tracks. A railroad crossing does not exist in this location. A number of utilities cross through the street right-of-way, including sanitary sewer, water, telephone facilities, and gas lines that connect into a station located on tax lot 2800. Comments received from the utility companies as well as City Engineering request the retention of an easement over the entire area to access, maintain, and construct such utilities within the vacated street segment. No structures including fencing shall be built within the easement area. A fence with gate along the Front Street right-of-way that parallels the fence along the railroad tracks would be permitted on the property.

The intent of the abutting property owners is to use the property for vehicle parking for the adjacent businesses (Precision Electric on the south and a vacant tenant and Cut'N' Break Construction to the north). Areas used for parking and maneuvering of vehicles need to be paved and the frontage along Front Street shall be improved with curb, sidewalk, and standard driveway approach prior to use. A fence/gate is proposed to extend the length of the vacated right-of-way along Front Street to secure the property and further reduce pedestrian access to the railroad tracks. Access for the utility companies shall be provided. Fencing shall not be installed east–west through the property.

The Planning Commission heard the proposal on March 24, 2016, and forwarded a favorable recommendation to the City Council.

RECOMMENDATION

The Planning Commission recommends approving the street vacation based on the analyses, findings, and conclusions in the Commission Report dated April 14, 2016, including Exhibits A through J, and the following conditions:

1. Reserve an easement over the subject right-of-way for public utilities that includes the right to access, maintain, and construct these utilities within the easement area. The language shall state no structures including fences shall be built over the easement area.
2. The property owners shall install street improvements along Front Street when they pave the vacated right-of-way.
3. No fencing shall be installed east–west across the property.

EXHIBITS

- A Findings and Conclusions
- B Minutes, Planning Commission, March 24, 2016
- C Legal description and map showing street location
- D County Assessor's map showing street location
- E Photograph of the right-of-way
- F Public Works Department comments
- G Century Link comments
- H Medford Water Commission comments
- I Avista Gas comments
- J Applicant's findings of fact
Vicinity Map

CITY COUNCIL AGENDA: APRIL 21, 2016

Exhibit A

Findings and Conclusions

The criteria that apply to vacations are in Medford Municipal Code §10.202. The criteria are rendered in italics; findings and conclusions in roman type.

Vacation Criteria. A request to vacate shall be approved by the approving authority (City Council) when the following criteria have been met:

10.202 (1). Compliance with the Public Facilities Element of the Comprehensive Plan, including the Transportation System Plan.

Findings

A review of the goals and policies in the Comprehensive Plan that relate to public facilities and transportation and the Transportation System Plan (TSP) do not specifically address the topic of right-of-way vacation. This location on East Second Street is unimproved and there is no approved railroad crossing in this location based on Table 3-18 (Summary of Medford Railroad Grade Crossings) in the Transportation System Plan.

Without clear direction from the adopted policy documents, the City Council must weigh the positives and negatives of vacating this right-of-way. The following are provided for consideration before making a decision. The area to be vacated is fenced and there is no approved railroad crossing in this location. Adjacent property owners have requested the land be vacated. They are interested in using and maintaining this property for the benefit of their businesses, and the site will be upgraded from its current condition if the property owners use it for vehicle parking (requiring the site to be paved). As a condition of vacating the right-of-way, the property owners shall be required to install street improvements (curb, sidewalk and standard driveway approach) along Front Street as a condition of development (i.e. paving the site). There are no identified plans for this segment of right-of-way to be improved by the City in the near future so it will remain unchanged from its current condition. The applicant's findings are attached. (Exhibit J)

On the other hand, the existing right-of-way may be better maintained in the public realm. City oversight of this land allows for existing utilities to be better protected from encroachments and maintains unobstructed access to the service providers. The right-of-way is one block away from the Central Business overlay. As downtown continues to re-develop over time this area too may see changes that would necessitate improving the right-of-way and opening discussions and applying to ODOT rail for a new rail crossing to West Second Street. Unknown circumstances may require

the City to purchase back the right-of-way if a future street connection is identified in this location providing a cost burden that would be unnecessary if it remains right-of-way. In discussing this issue with ODOT rail, a historical crossing is not on record and an application for an at grade crossing is this location would likely be disapproved.

Conclusions

Without specific policy on vacating right-of-way each situation must be evaluated individually. Based on the information noted above, the use of the site proposed by the adjacent property owners in conjunction with a condition to install street improvements and limit fencing provides a reasonable rationale for vacating the right-of-way. The City Council may find in favor of vacating the East Second Street right-of-way in this location. This criterion is satisfied.

10.202 (2). If initiated by petition under ORS 271.080, the findings required by ORS 271.120.

Findings

The application was not initiated by petition per the requirements in ORS 271.080(2) which requires consent of abutting property owners in a specified area surrounding the property to be vacated; therefore the findings required by ORS 271.120 are not applicable.

Conclusions

This criterion is not applicable to the project.

10.202 (3). If initiated by the Council, the applicable criteria found in ORS 271.130.

The proposal will comply with the requirement of ORS 271.130 if the City Council can make the following findings:

- a. That the owners of more than 50% of the affected area do not object in writing; and*
- b. That the vacation will not substantially affect the market value of any abutting property where the owner objects, unless the City provides for paying damages to the owner.*

Findings

The City Council initiated the vacation on Thursday, February 18, 2016, per Resolution No. 2016-21. The vacation was requested from one of two adjacent property owners. No objections from property owners have been received to date and no objections were presented at the Planning Commission hearing. It is not anticipated that the vacation will substantially affect the market value of any abutting property.

Conclusions

No objections have been submitted regarding the proposal and a substantial effect in market value positively or negatively is not likely. The criterion is satisfied.

Exhibit B

Planning Commission Minutes, 3/24/2016

(Excerpt)

50.1 SV-15-169 Consideration of a request to vacate a portion of Second Street located between railroad right-of-way and Front Street. (John and Claudia Lawton, Applicants; Farber Surveying, Agent)

Chair Miranda inquired whether any Commissioners have a conflict of interest or ex-parte communication they would like to disclose. Vice Chair McFadden stated that he submitted written testimony representing his employer and will recuse himself from this agenda item.

Chair Miranda inquired whether anyone in attendance wishes to question the Commission as to conflicts of interest or ex-parte contacts. None were disclosed.

Carla Paladino, Planner IV, read the street vacation criteria and gave a staff report.

Commissioner McKechnie asked who owns the fence along the railroad? Ms. Paladino does not know who installed the fence.

Commissioner McKechnie asked that if this reverts to private property can the fence stay? Ms. Paladino replied yes.

Commissioner McKechnie asked if the property is vacated does it go back on the tax records? Ms. Paladino replied yes.

The public hearing was opened.

a. Herb Farber, Farber Surveying, 431 Oak Street, Central Point, Oregon, 97502. Mr. Farber is the agent for the applicants, John and Claudia Lawton. They have reviewed the staff report and are in concurrence with the conditions as stated.

The public hearing was closed.

Motion: Based on the findings and conclusions that all of the approval criteria are met or are not applicable, the Planning Commission forwards a favorable recommendation to the City Council for approval SV-15-169 per the staff report dated March 17, 2016, including Exhibits A through H including the following conditions of approval: 1) Reserve

an easement over the subject right-of-way for public utilities that includes the right to access, maintain, and construct these utilities within the easement area. The language shall state no structures including fences shall be built over the easement area; 2) The property owners shall install street improvements along Front Street at the time of developing (paving) the vacated right-of-way; and 3) No fencing shall be installed east/west across the property.

Moved by: Commissioner McKechnie Seconded by: Commissioner Foley

Voice Vote: Motion passed, 7-0-1, with Vice Chair McFadden recusing himself.

Exhibit C

Legal Description and Map showing street location

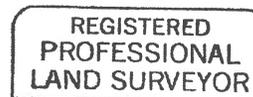
Property Description

A portion of East Second Street
John and Claudia Lawton

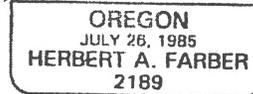
Beginning at the Southerly most corner of Block 27 as described on the Town Map of Medford, according to the Official Plat thereof, now of record in Jackson County, Oregon; thence South 35°30' East, along the Oregon and California Railroad right of way (now Central Oregon & Pacific Railroad), 60.00 feet to the Westerly most corner of Lot 6, Block 28 of said Town Map; thence North 54°30' East, along the Northerly line of said Lot 6 and the right of way of East Second Street, 70.00 feet; thence North 35°30' West, 60.00 feet to the Easterly most corner of said Block 27; thence South 54°30' West, along the Southerly line of said Block 27 and the right of way of East Second Street, 70.00 feet to the Point of Beginning.

Prepared By: Farber and Sons Inc
Farber Surveying
431 Oak Street
Central Point, OR 97502
(541) 664-5599

Date: December 14, 2015



A handwritten signature in black ink, appearing to read 'Herb A. Farber'.



RENEWS: DEC. 31, 2015

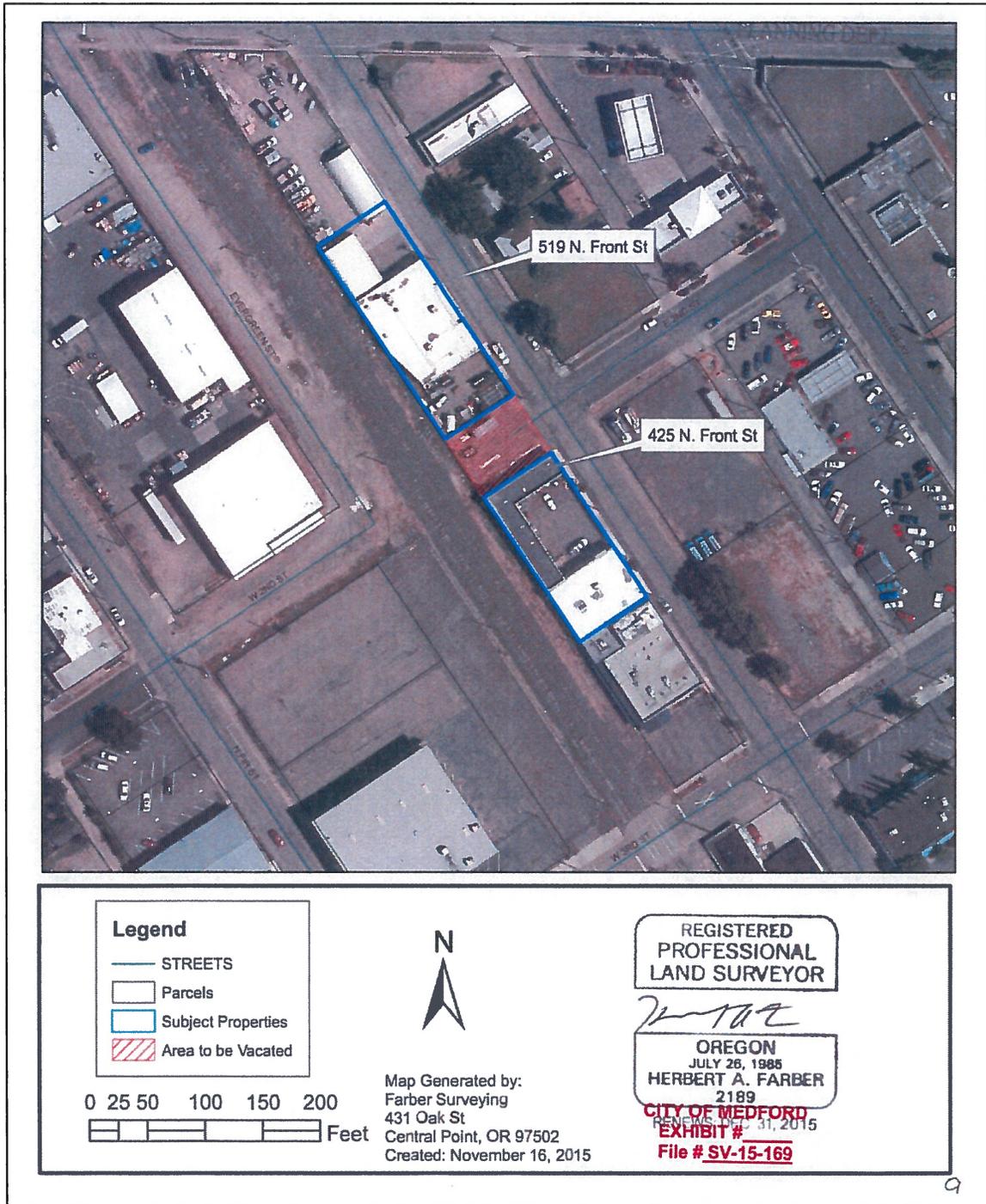


Exhibit D

Assessor's Map

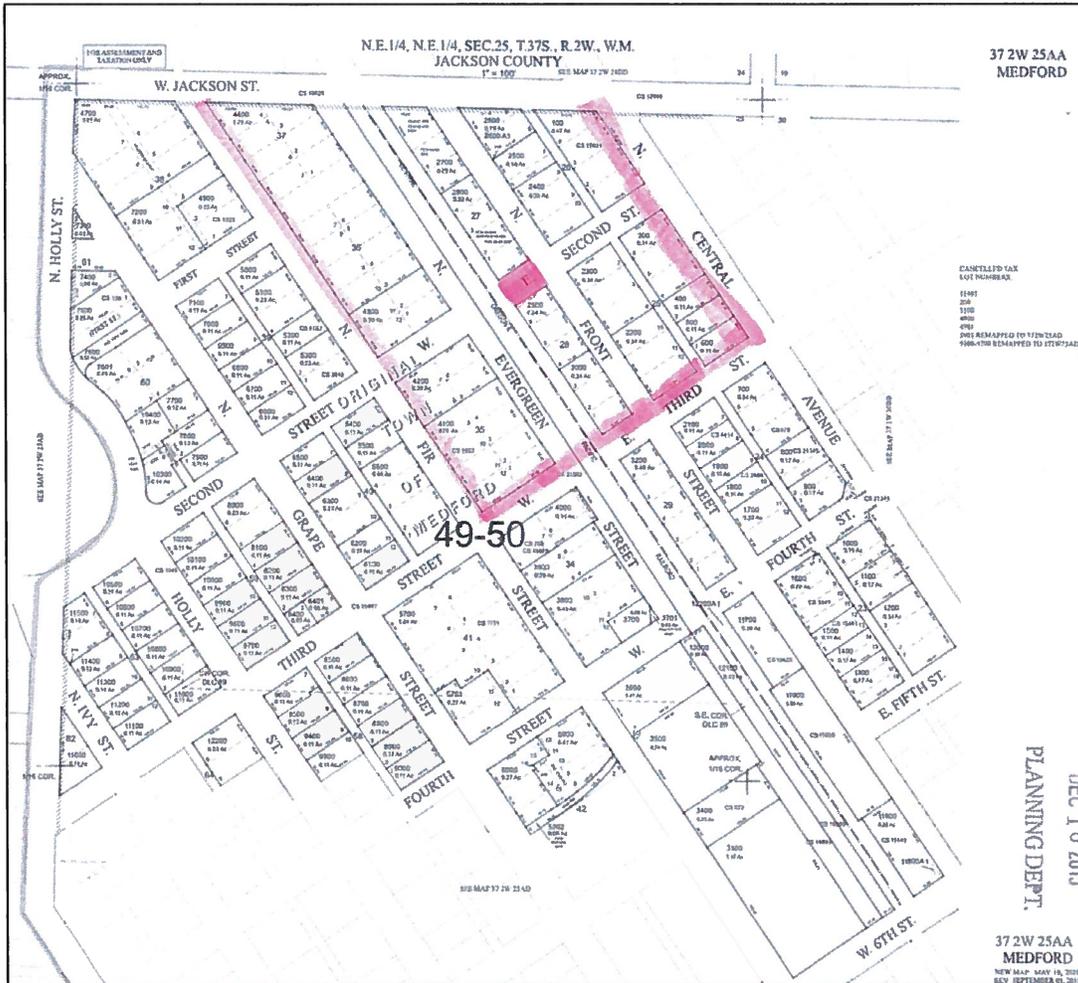


Exhibit E

Photo of East Second Street



Exhibit F

Public Works – Engineering Comments



Continuous Improvement Customer Service

CITY OF MEDFORD

Date: 3/9/2016
File Number: SV-15-169

PUBLIC WORKS DEPARTMENT STAFF REPORT Lawton 2nd Street Vacation

Project: Request to vacate a portion of Second Street located between railroad right-of-way and Front Street.

Applicant: John Lawton, Applicant (Farber Surveying, Agent). Carla Paladino, Planner.

Public Works concurs with the request to vacate the subject existing right-of-way, with the condition that an easement over the entire area shall be reserved for public utilities that exist therein. The easement shall include the right to access, maintain, and construct these utilities within the easement area. No structures shall be built over the easement area.

Prepared by: Doug Burroughs

P:\Staff Reports\SV\2015\SV-15-169 Lawton_Farber - 2nd St. Vacation\SV-15-160 Staff Report.docx

Page 1

PUBLIC WORKS DEPARTMENT
ENGINEERING & DEVELOPMENT DIVISION
200 S. IVY STREET
MEDFORD, OREGON 97501
www.ci.medford.or.us

TELEPHONE (541) 774-2100
FAX (541) 774-2552

Exhibit G

Century Link Comments



February 17, 2016

Carla Paladino
City of Medford
Lausmann Annex, Room 240
200 S Ivy St
Medford, OR 97501

RE SV-15-169 Project Name: Lawton/Farber: 2nd Street Vacation

CenturyLink has reviewed this request for vacation as referenced above and finds that we have telephone facilities (20 conduits with multiple large copper and fiber cables) that exist within the area referenced in SV-15-169. In order to protect these facilities, we request that an easement be excepted there, from, to, CenturyLink on, over, in, under, across, above and along that certain real property.

Please SAVE and EXCEPT the following:

An easement to CenturyLink on, over, in, under, across, above and along the T.37S., R.2 W., Section 25AA Tax Lot 28, property located at 519 N. Front Street, Medford, Jackson County, Oregon and on file with the County Recorder of Jackson County, Oregon as described in SV-15-169.

It is the intent and understanding of CenturyLink that this Vacation shall not reduce our rights to any other existing easement or rights we have on this site or in the area.

If the applicant would like to meet to discuss this action, they are welcome to contact CenturyLink Engineer, Jim Martin at (541) 776-8268 to set up an appointment.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Martin".

Jim Martin
Senior Design Engineer

Attachment(s)

JRM/rdr

CenturyLink Oregon Field Engineering Office
150 W Stewart Ave - Medford, OR 97501 - Fax (541) 776-8026

Exhibit H

Medford Water Commission Comments



BOARD OF WATER COMMISSIONERS

Staff Memo

TO: Planning Department, City of Medford

FROM: Rodney Grehn P.E., Water Commission Staff Engineer

SUBJECT: SV-15-169

PARCEL ID: (See attached map)

PROJECT: Request to vacate a portion of Second Street located between railroad right-of-way and Front Street; John Lawton, Applicant (Farber Surveying, Agent). Carla Paladino, Planner.

DATE: March 3, 2016

I have reviewed the above plan authorization application as requested. Conditions for approval and comments are as follows:

CONDITIONS

1. The water facility planning/design/construction process will be done in accordance with the Medford Water Commission (MWC) "Regulations Governing Water Service" and "Standards For Water Facilities/Fire Protection Systems/Backflow Prevention Devices."
2. MWC requires that the current access/maintenance rights of a utility located in a public right-of-way be retained upon street vacation, or a new 10' wide easement over all existing water facilities be submitted for review and recordation to MWC engineering department.

COMMENTS

1. There is an existing 4-inch water line in the W 2nd Street right-of-way.
2. There is an existing 1-inch water meter in the W 2nd Street right-of-way that provides domestic water to Precision Electric, LLC located at 519 Front Street.

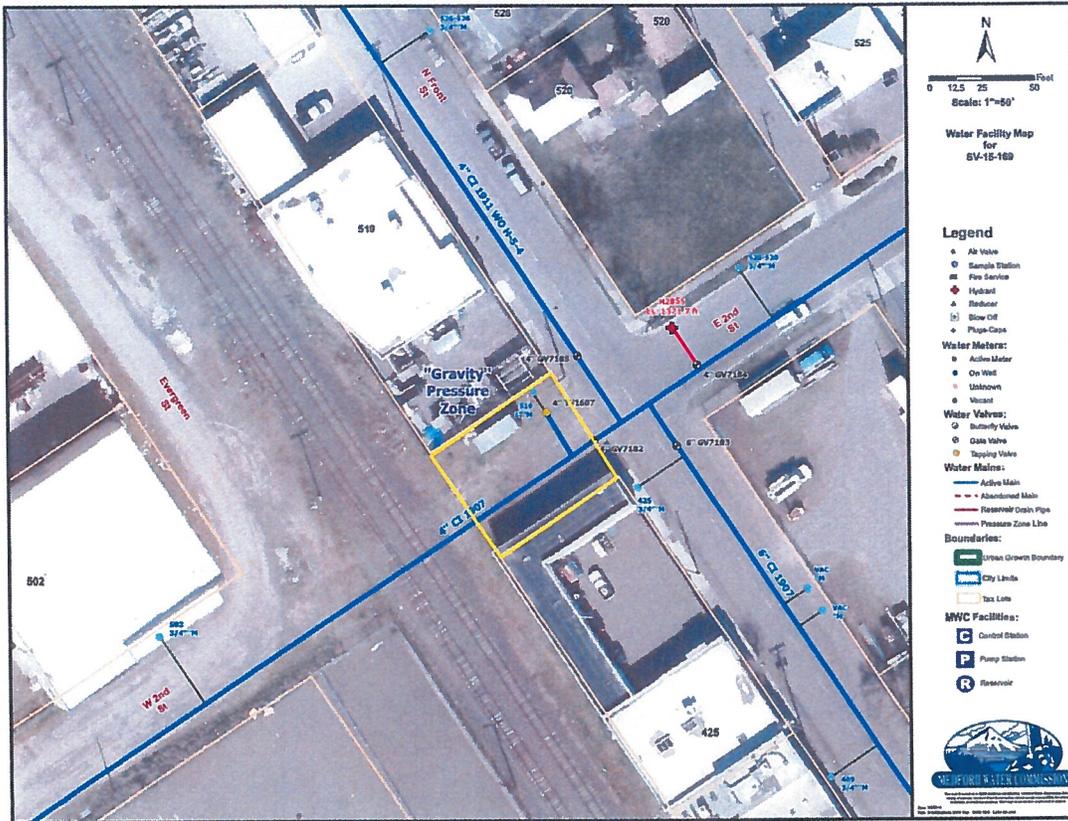


Exhibit I

Avista Gas Comments

Carla G. Paladino

From: McFadden, David <David.McFadden@avistacorp.com>
Sent: Monday, March 14, 2016 4:22 PM
To: Carla G. Paladino
Cc: Martin, Jim; Brad Dill (brad.dill@chartercom.com); Jake Sarver; jason.middlebrook@pacificorp.com; Mike Conley (michael.l.conley@sprint.com)
Subject: 2nd Street Vacation Comments Avista

Ms Carla G. Paladino, City of Medford Planning Department

Avista Utilities has two major natural gas mains and at least two in-ground shut off valves located within the area of this proposed street vacation. These facilities serve an Avista regulator station located on private property at the northwest corner of N. Front and E. 2nd Street.

Avista asks that if the City approves this Vacation; that the City follow standard procedures; and create a Public Utility Easement over the whole area of the alley. This PUE should prohibit the construction of buildings, sheds, and fences on or over the vacated right of way, and require that the neighboring properties keep this alley passable, especially the in-ground control valves.

I am not aware of other utilities that may be present within the area of this vacation.

Thank You
David McFadden,
Avista, Medford

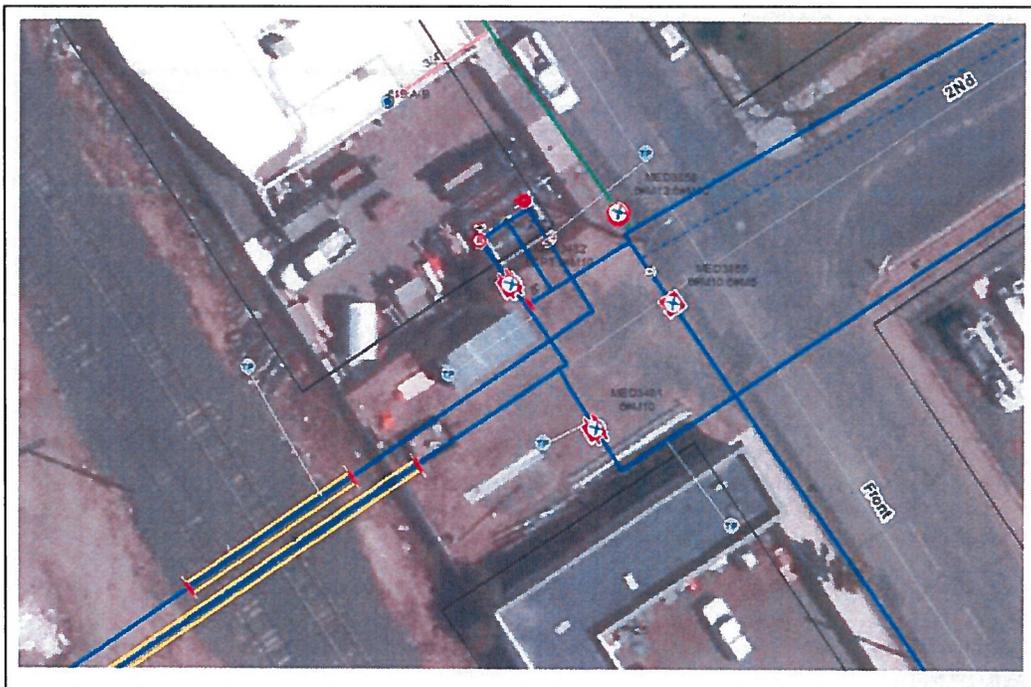


Exhibit J

Applicant's Findings of Fact

BEFORE THE PLANNING COMMISSION FOR THE CITY OF MEDFORD, OREGON:

IN THE MATTER OF AN APPLICATION)

FOR A VACATION OF A PUBLIC ROAD)

ASSESSORS MAP No 372W25AA-2800)

LOCATED ON N. FRONT STREET)

IN MEDFORD, OREGON:)

RECEIVED
DEC 16 2015
PLANNING DEPT.

- **Applicant:** John & Claudia Lawton
519 Front Street
Medford, Oregon 97501
- **Property Owner:** Same as Above
- **Agent:** Herbert A. Farber,
431 Oak Street
Central Point, Oregon 97502
- **Legal** T. 37 S., R. 2 W., Section 25AA Tax Lot 2800
- **Location:** The property is located at the 519 N. Front Street.
- **Zoning:** The parcel is zoned C-H.
- **Glup Map** The property is designated Heavy Commercial.
- **Project Name:** Public Road Vacation Request

NARRATIVE DESCRIBING SECTION 10.202 MEDFORD MUNICIPAL CODE

10.202 *Compliance with the Public Facilities Element of the Comprehensive Plan.*

10.202(1) *Compliance with the Public Facilities Element of the Comprehensive Plan.*

This vacation will maintain all Public Facilities easements and will not affect any existing utility service, therefore is in compliance with the Public Facilities Elements of the Comprehensive plan.

10.202(2) *If initiated by petition under ORS 271.080 per ORS 271.120, the City Council must determine the following:*

- a) *For a plat vacation of part thereof: that two-thirds of the affected property owners consent in writing. Affected property owner are all owners of the property embraced within the plat or part thereof.*

This element does not apply to this application.

Vacation: For a street or alley vacation: that 100% of the abutting property owners, and two thirds of the affected property owner consent in writing. Affected property owners are owners of all lands lying on either side of the street or alley proposed to be vacated and extending laterally to the next street that serves as a parallel street, but not to exceed 200 feet, and all property within 400 feet of the terminus of the part of the street or alley to be vacated.

The abutting property owners consent in writing to this vacation.

- b) *That the required notice has been given.*

Mailing labels for the properties within 200 feet of applicant's property are included.

- c) *That the vacation is in the public interest.*

This element does not apply to this application.

10.202(3) *If initiated by the City Council under ORS 271.130, the City Council must determine the following:*

- a) *That more than 50% of the affected property owners do not object in writing;*

John and Claudia Lawton., the applicant owns the 50% of the abutting property.

and,

- b) *That the vacation will not substantially affect the property value of any abutting property, or, if the vacation will substantially affect the market value of any abutting property where the owner object, the city will provide for paying for damages.*

There is no objection from all abutting property owners.

Respectfully,



Herbert A Farber
December 14, 2015

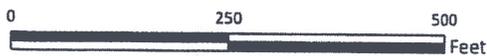
Vicinity Map

	City of Medford Planning Department	Vicinity Map	File Number: SV-15-169
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Project Name:
Lawton - Street Vacation

Map/Taxlot:
N/A



12/17/2015

-  Subject Area
-  Medford Zoning
-  Historic
-  Tax Lots
-  Central Business

