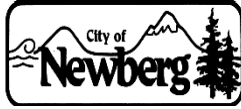


***THE CITY COUNCIL POSTPONED THIS INDEFINITELY
AT THEIR NOVEMBER 19, 2007, MEETING. IT WAS
ORIGINALLY POSTPONED FROM THE MAY 21, 2007,
COUNCIL MEETING.***



ORDER No. 2007-0006

**AN ORDER FINDING THAT NO COMPENSATION IS WARRANTED
UNDER ORS 197.352 (MEASURE 37) FOR A CLAIM FILED BY
SHILO INN NEWBERG, LLC, NEWBERG HOTEL CORP., AND
MARK S. HEMSTREET FOR PROPERTY AT 501 SITKA AVENUE,
YAMHILL COUNTY TAX LOT 3217DC 07107**

RECITALS:

1. On December 1, 2006, Shilo Inn Newberg, LLC, Newberg Hotel Corp., and Mark S. Hemstreet filed a claim for compensation under ORS 197.352 (Measure 37), for property at 501 Sitka Avenue, Yamhill County Tax Lot 3217DC 07107.
2. Claimants seek waiver or non-application of land use regulations adopted after the date of acquisition, unless those regulations are less restrictive. In the alternative, claimants seek compensation in an amount in excess of \$126,000.
3. The staff report on the above claim finds that the City has not enacted or enforced a land use regulation that restricts the use of the property in a manner that reduces its fair market value. Thus, no compensation or other action is warranted.
4. Claimants seek waiver or non-application of land use regulations “unless those regulations are less restrictive.” The staff report shows that the regulations adopted since acquisition by the owner are less restrictive. Thus, no waiver or non-application of land use regulations is warranted.
5. On May 7, 2007, the Newberg City Council held a public hearing to consider the claim.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The claim for compensation filed on December 1, 2006 by Shilo Inn Newberg, LLC, Newberg Hotel Corp., and Mark S. Hemstreet, for property at 501 Sitka Avenue, Yamhill County Tax Lot 3217DC 07107, does not meet applicable criteria for

compensation under ORS 197.352 (Measure 37), and thus compensation, waiver, or non-application of regulations is not warranted.

2. The findings shown in the City Manager's report, which is attached as Exhibit A, are hereby adopted.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: May 8, 2007.

ADOPTED by the City Council of the City of Newberg, Oregon, this ___ day of ___, 2007.

Norma I. Alley, City Recorder

ATTEST by the Mayor this ___ day of ___, 2007.

Bob Andrews, Mayor

Exhibits

Exhibit A: Staff Report

QUASI-JUDICIAL HISTORY

By and through _____ Committee at ___ / ___ /200x meeting. Or, None.
(committee name) (date) (check if applicable)