

RESOLUTION NO. 432

A RESOLUTION SPREADING AND LEVYING PREASSESSMENTS ON PROPERTY BENEFITED FOR THE COST OF CONSTRUCTION OF STREETS, A BRIDGE, DRAINAGE INSTALLATIONS, SIDEWALK INSTALLATIONS, SIGNING AND TRAFFIC CONTROL DEVICE INSTALLATIONS, STREET LIGHTING INSTALLATIONS AND OTHER UTILITIES CONSTRUCTED FOR THE PROJECT DESIGNATED AS LOCAL IMPROVEMENT DISTRICT NO. 6, FAS-C-RS-A619 BOECKMAN BRIDGE PROJECT, HEREINAFTER REFERRED TO AS LID #6; AND ESTABLISHING THE NUMBER OF SEMI-ANNUAL INSTALLMENTS AND INTEREST ON UNPAID INSTALLMENTS; AND DIRECTING THE CITY RECORDER TO GIVE NOTICE OF FINAL ASSESSMENT AND ENTER A STATEMENT THEREOF IN THE DOCKET OF CITY LIENS AS REQUIRED BY SECTION 3.216 OF THE WILSONVILLE CODE.

WHEREAS, the Wilsonville City Council at its regularly scheduled meeting held on February 22, 1983 at the Wesleyan Church, 29775 S. W. Town Center Loop East, at 7:30 o'clock p.m. Pacific Standard Time, did review and adopt Resolution No. 293, titled "A RESOLUTION APPROVING THE BIDS; ACCEPTING THE BID FROM MARION CONSTRUCTION, SALEM, OREGON; APPROVING THE OREGON DEPARTMENT OF TRANSPORTATION TO AWARD THE CONTRACT TO MARION CONSTRUCTION COMPANY, INC., TO ACKNOWLEDGE THE APPOINTMENT OF THE BOARD OF VIEWERS AND TO DEPOSIT THE SUM OF FOUR HUNDRED AND THIRTY-SIX THOUSAND DOLLARS (\$436,000) WITH THE STATE OF OREGON TREASURER LOCAL GOVERNMENT INVESTMENT POOL FOR LOCAL IMPROVEMENT DISTRICT NO. 6 - FAS-C-RS-A619 BOECKMAN BRIDGE, HEREINAFTER REFERRED TO AS LID #6; AND APPROVING THE IRREVOCABLE LIMITED POWER OF ATTORNEY TO DRAW ON SUCH FUNDS; and

WHEREAS, the low qualified bid was for seven hundred eight thousand, three hundred fifty-three dollars and no cents (\$708,353.00) excluding landscaping improvements, and the adopted preliminary engineers report estimated construction costs at nine hundred forty-five thousand, nine hundred twenty-nine dollars and no cents (\$945,929.00) excluding landscaping improvement costs; and

WHEREAS, the Wilsonville City Council, at its regularly scheduled meeting held on July 16, 1984, commencing at 7:30 o'clock p.m. Pacific Daylight Savings Time in the Council Chamber at 30000 S. W. Town Center Loop East, did review and adopt Resolution No. 408 titled "A RESOLUTION APPROVING THE BIDS; ACCEPTING THE QUALIFIED LOW BID SUBMITTAL; AND AWARDING THE CONTRACT TO ASSOCIATED LANDSCAPE AND SUPPLY FOR LOCAL IMPROVEMENT DISTRICT NO. 6 LANDSCAPE IMPROVEMENTS", total bid for this project was one hundred twenty-one thousand, two hundred ten dollars and no cents (\$121,210.00); and

WHEREAS, a date and time was established by the Wilsonville City Council as required by Section 3.212 of the Wilsonville Code for September 17, 1984, commencing at 7:30 o'clock p.m. Pacific Daylight Savings Time in the Council Chambers at 30000 S. W. Town Center Loop East to hold the public hearing for testimony in regards to the Preliminary Preassessment Roll for LID #6 as recommended by the Board of Viewers who met on October 10, 1984 commencing at 2:00

o'clock p.m. Pacific Daylight Savings Time in City Hall at 30000 S. W. Town Center Loop East; and

WHEREAS, the estimated total cost of the completed improvements for LID #6 are identified in Exhibit "A", attached hereto and incorporated by reference as if fully set forth herein and is determined to be the sum of nine hundred eighty-nine thousand, one hundred seventy dollars and no cents (\$989,170.00) which shall be equalized by the Board of Equalization at the City Council meeting to be held on October 15, 1984 commencing at 7:30 o'clock p.m. in the Council Chambers at 30000 S. W. Town Center Loop East; and

WHEREAS, due to the continued delay on the project either by weather conditions or the contractors inability to complete the project within the specified contract time; it is necessary to complete a Preliminary Preassessment Roll rather than a Preliminary Assessment Roll since the project is not complete.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the City Council of the City of Wilsonville that:

1. The Preliminary Preassessment Roll as equalized by the Board of Equalization is approved by the Wilsonville City Council and adopted by the Council as the Final Assessment Roll for LID #6.
2. The proportionate share of the cost of construction of LID #6 for each parcel of property within the boundary

of LID #6 and benefited thereby is the amount set opposite the description as identified in the Final Preassessment Roll in item 5 below.

3. Each piece or parcel of land will be benefited by the construction of LID #6 to the full extent of that amount shown below in item 5 as the total preassessment of such piece or parcel, and the respective amounts represent the proportional benefits of said improvements for LID #6 to the respective parcels of property.
4. Each of the parcels of property described in item 5 below is hereby assessed the amount set opposite each respective description for the cost of the proportionate share of the construction of LID #6 as herein before described.
5. The following are the final preassessments hereby made on the various parcels of real property in the City of Wilsonville, Clackamas County, Oregon, for the construction of LID #6.

FINAL PREASSESSMENT ROLL

PREASSESSMENT NO. 1

Robert Randall Company

Tax Lot 300 Section 13C, Township 3 South,
Range 1 West, Willamette Meridian,
Clackamas County, Oregon

\$310,137.07

Tax Lot 1800, Section 13A, Township 3 South,
Range 1 West, Willamette Meridian,
Clackamas County, Oregon \$ 40,413.26

Tax Lot 1801, Section 13A, Township 3 South,
Range 1 West, Willamette Meridian,
Clackamas County, Oregon \$131,750.87

TOTAL PREASSESSMENT NO. 1 \$482,301.20

PREASSESSMENT NO. 2

West Linn School District

Tax Lot 100, Section 13, Township 3 South,
Range 1 West, Willamette Meridian,
Clackamas County, Oregon \$148,302.26

TOTAL PREASSESSMENT NO. 2 \$148,302.26

PREASSESSMENT NO. 3

NIKE, Incorporated

Tax Lot 1100, Section 24, Township 3 South,
Range 1 West, Willamette Meridian,
Clackamas County, Oregon \$ 76,175.08

Tax Lot 1191, Section 24, Township 3 South,
Range 1 West, Willamette Meridian,
Clackamas County, Oregon \$174,864.39

TOTAL PREASSESSMENT NO. 3 \$251,039.47

PREASSESSMENT NO. 4

Stu Lindquist/Pete Olson

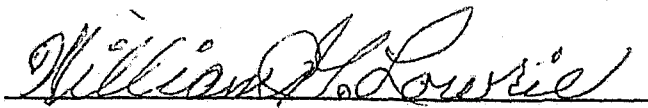
Tax Lot 2700, Section 13CD, Township 3 South,
Range 1 West, Willamette Meridian,
Clackamas County, Oregon \$ 52,192.92

Tax Lot 2600, Section 13CD, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon	\$ 51,528.42
Tax Lot 3100, Section 13CD, Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon	\$ 3,805.73
TOTAL PREASSESSMENT NO. 4	<u>\$107,527.07</u>
TOTAL OF ALL PREASSESSMENTS	<u>\$989,170.00</u>

6. The City Council of Wilsonville determines that the assessment will be paid in thirty (30) semi-annual installments with interest on unpaid installments at the rate of two percent (2%) above the market rate of the bond issue. Said interest to be payable semi-annually at the time each installment is paid.
7. The City Recorder of the City of Wilsonville is hereby directed to send notice of assessment by registered or certified mail to all owners of property as assessed in the Final Assessment Roll and in accordance with Section 3.216 of the Wilsonville Code; and enter in the Docket of City Liens, a statement of the amount(s) assessed upon each of the above described parcels of land together with a description of the improvements, the name of the owner(s) and the date of the adoption of the assessment resolution, as required by Section 3.216 of the Wilsonville Code.

ADOPTED by the Wilsonville City Council at a regular meeting

thereof this 15th day of October, 1984 and
filed with the Wilsonville City Recorder this same date.


WILLIAM G. LOWRIE, Mayor

ATTEST:



DEANNA J. THOM, City Recorder

EXHIBIT "A"

LOCAL IMPROVEMENT DISTRICT
NO. 6

TOTAL CONSTRUCTION COST TABULATION

LOCAL IMPROVEMENT DISTRICT

PARTICIPATION COSTS

1. Bridge Construction	① ② ③ ④ ⑤	\$599,700*
2. 6% Local Share Match FAS Project		30,000
3. FAS Eligible Over FAS Maximum		12,000
4. State Non-Participation Inspection Costs		12,000
5. Engineering Costs		
a. Preliminary		
1. OBEC		14,798
2. Foundations Sciences		9,793
3. Davis & Pike		5,619
4. Westech Engineering, Inc. (LID Report)		2,500
b. Final Design Services		
1. Westech Engineering, Inc.		31,500
2. OBEC Engineers		18,500
3. Robert Perron Landscape Architect		4,200
c. Services During Construction		
1. Westech Engineering, Inc.		42,000
2. OBEC Engineers		56,000
3. Robert Perron Landscape Architect		6,800
6. Attorney Costs		2,000
7. Permits - Plan Check		12,760
8. Interim Finance Charges		46,000
9. Administrative Charges		63,000
10. Bond Sale Costs		20,000
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		\$989,170

*Assuming the FAS will participate to the agreed \$440,000.
Potentially, the participation could be up to \$512,000.

PROPOSED PREASSESSMENT
ACREAGE BASIS

TAX LOT	OWNER	ACREAGE LESS R.O.W	PER ACRE ASSESSMENT	ASSESSMENT COST PER PROPERTY
31W-S24-01100	NIKE, Inc.	12.71 acres - .10 acres R.O.W. <u>12.61 acres</u>	\$6,040.8467 per acre	\$ 76,175.08
31W-S24-01191	NIKE, Inc.	28.947 acres	"	174,864.39
31W-S13C-00300	Robert Randall Co.	51.50 acres - .17 acres R.O.W. <u>51.34 acres</u>	"	310,137.07
31W-S13-00100	West Linn School District	63.16 acres	"	\$989,170.00 = 148,302.26 - <u>840,867.74</u>
31W-S13A-01800	Robert Randall Co.	6.69 acres	"	40,413.26
31W-S13A-01801	Robert Randall Co.	21.81 acres	"	131,750.87
31W-S13CD-03100	Lindquist/Olson	.63 acres	"	3,805.73
31W-S13CD-02600	Lindquist/Olson	10.21 acres - 1.68 acres R.O.W. <u>8.53 acres</u>	"	51,528.42
31W-S13CD-02700	Lindquist/Olson	10.32 acres - 1.68 acres R.O.W. <u>8.64 acres</u>	"	52,192.92
TOTAL ACRES		202.357		\$989,170.00

(1) Lindquist/Olson	\$107,527.07	}	\$989,170.00
(2) West Linn School District	148,302.26		
(3) Robert Randall Co.	482,301.20		
(4) NIKE, Inc.	251,039.47		

CITY OF WILSONVILLE
MEMO

October 11, 1984
DATE

EXHIBIT "B"

TO: MAYOR AND CITY COUNCIL
FROM: LARRY R. BLANCHARD, PUBLIC WORKS DIRECTOR
SUBJECT: BOARD OF VIEWERS LID #6 RECOMMENDATION ASSESSMENT

The Board of Viewers had to reconvene due to the fact that the actual assessment area adopted by the City Council was 202.357 acres and not 272.807 acres. Therefore, the Board of Viewers met on October 5, 1984 and October 10, 1984 to discuss this issue with the property owners. This is an account of the October 10, 1984 meeting.

The argument by the participants in LID #6 for the acreage basis was that the city agreed to the formula, when on September 21, 1982, the letter of waivers was sent and subsequently signed by Robert Randall, NIKE, Inc. and Lindquist/Olson properties. The West Linn School District would not sign the waiver, therefore, the acreage formula became void and the Board of Viewers and Board of Equalization process would be required to be completed.

During the Board of Viewers meeting on October 10, 1984, at 2:00 p.m. in City Hall Council Chambers, the Board of Viewers, after much deliberation and comments from the property owners, decided on an assessment formula. The theory was based on the original intent of the property owners, excluding the West Linn School District, to pay an assessment of \$1,225,126.00. NIKE, Lindquist/Olson and Robert Randall had originally agreed to pay these amounts based on 276.407 acres. (See below)

<u>PROPERTY</u>	<u>TOTAL ACRES</u>	<u>TOTAL ASSESSMENT</u>
Lindquist/Olson	21.16	\$ 93,941.19
West Linn School District	63.16	274,941.29
Robert Randall	150.45	666,591.04
NIKE, Inc.	41.637	184,626.48
	<u>276.407</u>	<u>\$1,225,126.00</u>

The West Linn School District acknowledged the fact that if this project were to go to litigation, the effect would be detrimental to all parties concerned. Their comment was that if Robert Randall, NIKE, and Lindquist/Olson would pay the amount they had originally agreed, for a total assessment of \$1,225,126, the West Linn School District felt they may be able to convince the School Board to pay the remainder of the assessment.

NIKE and Lindquist/Olson generally agreed to this concept. Robert Randall's representative, however, needed to meet with Mr. Robert Randall to firm their position but felt this was a viable solution. The new assessment would be as follows:

Proposed Assessment from Sept. 21, 1984 - \$1,225,126 ÷ 202.807 acres =
Assessment of \$6040.8467 per acre

West Linn School District shall be assessed
the difference between the sum of the other
three property's assessments as mentioned
above, subtracted from \$989,170.

The property owners felt that if any reimbursements were to be received due to final audit by ODOT, that the reimbursement be made on a proportional basis.

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