

RESOLUTION NO. 1139

A RESOLUTION DECLARING THE CITY'S INTENT TO MAKE STREET, SANITARY SEWER AND STORM DRAIN IMPROVEMENTS KNOWN AS LOCAL IMPROVEMENT DISTRICT NO. 11-94-ST; TO INITIATE A SPECIAL ASSESSMENT ACCORDING TO BENEFITS CONFERRED FOR THE LOCAL IMPROVEMENT; AND DIRECT THE CITY ENGINEER AND THE FINANCE DIRECTOR TO PREPARE WRITTEN REPORTS.

WHEREAS, the Wilsonville City Council has deemed it necessary to make a local improvement, as defined in ORS 223.387, to be paid by special assessment according to benefits conferred; and

WHEREAS, the improvement known as Public Improvements in the area of Ridder, Clutter and Garden Acre Roads is necessary for the orderly development of Industrially zoned property within the Wilsonville city limits; and

WHEREAS, the owners of one hundred per cent of the property that will benefit by the improvement known as Public Improvements in the area of Ridder, Clutter and Garden Acre Roads have requested by written petition, attached as Exhibit "A" through "F", that the City Council initiate the improvement.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF WILSONVILLE THAT:

1. The Council declares that the improvement known as Public Improvements in the area of Ridder, Clutter and Garden Acre Roads and its appurtenances are necessary and that the Council intends to make said improvement.


2. The City Engineer shall prepare a report as outlined in Ordinance No. 350, Section 3.214, after receiving a cash deposit or other financial assurances acceptable to the City from the petitioners in such amount as the City Engineer shall deem reasonable to defray the City's cost of administration, survey, design, preliminary engineering, mapping, and any other action necessary to the processing of the request.

3. The improvement is to be financed by Bancroft Bonding or Lottery Funds and the Finance Director will prepare a financial investigation report as outlined in Ordinance No. 350, Section 3.218.

ADOPTED by the Wilsonville City Council at a regular meeting thereof the 17th day of October 1994, and filed with the Wilsonville City Recorder this same date.


GERALD A. KRUMMEL, Mayor

ATTEST:


VERA. A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Benson	<u>ABSENT</u>
Councilor Hawkins	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Sempert	<u>AYE</u>

EXHIBIT 'A'

TO: Honorable Mayor and City Councilors

PETITION TO FORM A LOCAL IMPROVEMENT DISTRICT

In accordance with Ordinance No. 3560, section 3.212(2), the undersigned, hereby request that the City of Wilsonville initiate the formation of a local improvement district for the construction of sanitary sewer and storm drainage facilities to serve benefitting industrial properties.

A preliminary engineering report is attached. The engineering report was prepared by DeHaas & Associates, Inc., at the expense of Willamette Resources, Inc. The undersigned also request that the City accept this report and retain the services of DeHaas & Associates to continue as the project engineer for the L.I.D.

Following the Council's declaration in favor of the L.I.D. formation, the undersigned will deposit with the City a cash deposit or other financial assurance acceptable to the City, in such amount as the City Engineer shall deem reasonable to defray the City's cost of administration, survey design, preliminary engineering, mapping and any other action necessary to the processing of this request.

Signature of owner or Authorized Representative Address Date Tax Lot No.

Terry McLean
Terry McLean

P.O. Box 4599
Tacoma, Wa. 98455

2500, 2900
3S-1W-11

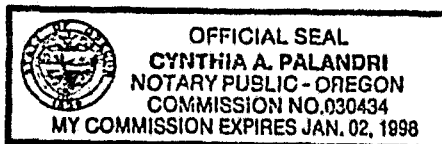
Title of Above Signature Partner

Representing: Mt. Tahoma Leasing Co.

State of Oregon)
County of Clackamas)^{ss}

September 14, 1994

Personally appeared the above named Terry McLean a duly authorized representative of Mt. Tahoma Leasing Co. and acknowledged the forgoing instrument to be their voluntary act and deed.



Cynthia A. Palandri
NOTARY PUBLIC OF OREGON
My commission expires 1-2-98

EXHIBIT 'B'

TO: Honorable Mayor and City Councilors

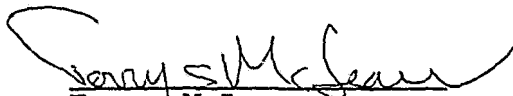
PETITION TO FORM A LOCAL IMPROVEMENT DISTRICT

In accordance with Ordinance No. 3560, section 3.212(2), the undersigned, hereby request that the City of Wilsonville initiate the formation of a local improvement district for the construction and realignment of Southwest Ridder Road to serve benefitting industrial properties.

A preliminary engineering report is attached. The engineering report was prepared by DeHaas & Associates, Inc., at the expense of Willamette Resources, Inc. The undersigned also request that the City accept this report and retain the services of DeHaas & Associates to continue as the project engineer for the L.I.D.

Following the Council's declaration in favor of the L.I.D. formation, the undersigned will deposit with the City a cash deposit or other financial assurance acceptable to the City, in such amount as the City Engineer shall deem reasonable to defray the City's cost of administration, survey design, preliminary engineering, mapping and any other action necessary to the processing of this request.

Signature of owner or Authorized Representative	Address	Date	Tax Lot No.
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 Terry McLean	P.O. Box 4599 Tacoma, Wa. 98455		2500, 2900 3S-1W-11
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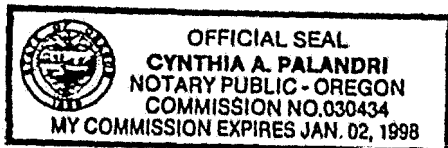
Title of Above Signature Partner

Representing: Mt. Tahoma Leasing Co.

State of Oregon)
County of Clackamas)^{ss}

September 14, 1994

Personally appeared the above named Terry McLean a dully authorized representative of Mt. Tahoma Leasing Co. and acknowledged the forgoing instrument to be their voluntary act and deed.



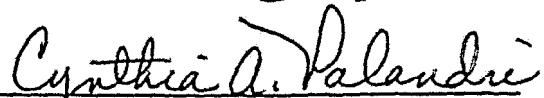

 NOTARY PUBLIC OF OREGON
 My Commission expires 1-2-98

EXHIBIT 'C'

TO: Honorable Mayor and City Councilors

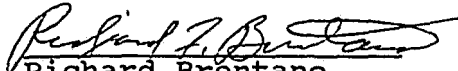
PETITION TO FORM A LOCAL IMPROVEMENT DISTRICT

In accordance with Ordinance No. 3560, section 3.212(2), the undersigned, hereby request that the City of Wilsonville initiate the formation of a local improvement district for the construction of sanitary sewer and storm drainage facilities to serve benefitting industrial properties.

A preliminary engineering report is attached. The engineering report was prepared by DeHaas & Associates, Inc., at the expense of Willamette Resources, Inc. The undersigned also request that the City accept this report and retain the services of DeHaas & Associates to continue as the project engineer for the L.I.D.

Following the Council's declaration in favor of the L.I.D. formation, the undersigned will deposit with the City a cash deposit or other financial assurance acceptable to the City, in such amount as the City Engineer shall deem reasonable to defray the City's cost of administration, survey design, preliminary engineering, mapping and any other action necessary to the processing of this request.

Signature of owner or Authorized Representative	Address	Date	Tax Lot No.
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 Richard Brentano	2215 N. Front St. Woodburn, Or. 97071	_____	700, 800 & 900 3S-1W-2C
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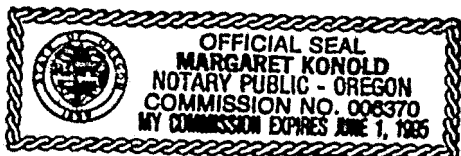
Title of Above Signature President

Representing: Peltier Real Estate, Inc.

State of Oregon)
)ss
County of Marion)

July 22, 1994

Personally appeared the above named Richard F. Brentano a dully authorized representative of Peltier Real Estate, Inc. and acknowledged the forgoing instrument to be their voluntary act and deed.



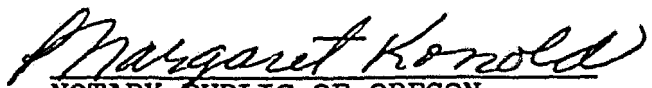

 NOTARY PUBLIC OF OREGON
 My commission expires 6-1-95

EXHIBIT 'E'

TO: Honorable Mayor and City Councilors

PETITION TO FORM A LOCAL IMPROVEMENT DISTRICT

In accordance with Ordinance No. 3560, section 3.212(2), the undersigned, hereby request that the City of Wilsonville initiate the formation of a local improvement district for the construction of sanitary sewer and storm drainage facilities to serve benefitting industrial properties.

A preliminary engineering report is attached. The engineering report was prepared by DeHaas & Associates, Inc., at the expense of Willamette Resources, Inc. The undersigned also request that the City accept this report and retain the services of DeHaas & Associates to continue as the project engineer for the L.I.D.

Following the Council's declaration in favor of the L.I.D. formation, the undersigned will deposit with the City a cash deposit or other financial assurance acceptable to the City, in such amount as the City Engineer shall deem reasonable to defray the City's cost of administration, survey design, preliminary engineering, mapping and any other action necessary to the processing of this request.

Signature of owner or Authorized Representative Address Date Tax Lot No.

Greg D. McFarland P.O. BOX 1496 St. Tacoma, Wa. 98401 3002 3S-1W-11

Title of Above Signature Vice President

Representing: L.D. McFarland Co. Ltd. c/o McFarland Cascade

State of Oregon)
County of) ss

September 2, 1994

Personally appeared the above named Greg D. McFarland a dully authorized representative of L.D. McFarland Co., Ltd. and acknowledged the forgoing instrument to be their voluntary act and deed.

Cindy L. Miller
NOTARY PUBLIC OF OREGON WASHINGTON
My commission expires 12/94



EXHIBIT 'F'

TO: Honorable Mayor and City Councilors

PETITION TO FORM A LOCAL IMPROVEMENT DISTRICT

In accordance with Ordinance No. 3560, section 3.212(2), the undersigned, hereby request that the City of Wilsonville initiate the formation of a local improvement district for the construction of sanitary sewer and storm drainage facilities to serve benefitting industrial properties.

A preliminary engineering report is attached. The engineering report was prepared by DeHaas & Associates, Inc., at the expense of Willamette Resources, Inc. The undersigned also request that the City accept this report and retain the services of DeHaas & Associates to continue as the project engineer for the L.I.D.

Following the Council's declaration in favor of the L.I.D. formation, the undersigned will deposit with the City a cash deposit or other financial assurance acceptable to the City, in such amount as the City Engineer shall deem reasonable to defray the City's cost of administration, survey design, preliminary engineering, mapping and any other action necessary to the processing of this request.

Signature of owner or Authorized Representative Address Date Tax Lot No.

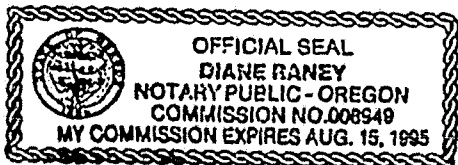
<i>Wayne Metcalf</i>	10450 SW Ridder Rd. Wilsonville, Or. 97070		3001 & 3003 3S-1W-11
Wayne Metcalf			

Title of Above Signature President

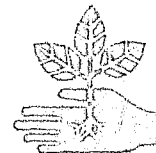
Representing: Oregon Glass Company

State of Oregon)
)ss
County of)
Clackamas , 1994

Personally appeared the above named Wayne Metcalf a dully authorized representative of _____ and acknowledged the forgoing instrument to be their voluntary act and deed.



Diane Raney
NOTARY PUBLIC OF OREGON
My commission expires 8/15/95



City of
WILSONVILLE
in OREGON

30000 SW Town Center Loop E
Wilsonville, Oregon 97070
FAX (503) 682-1015
(503) 682-1011

ENGINEERING DEPARTMENT
STAFF REPORT & RECOMMENDATION

DATE: OCTOBER 17, 1994

TO: HONORABLE MAYOR AND
CITY COUNCILORS

FROM: MICHAEL A. STONE, P.E.
CITY ENGINEER

SUBJECT: PROPOSED RIDDER, CLUTTER AND GARDEN ACRES ROADS
LOCAL IMPROVEMENT DISTRICT

SUMMARY:

The city has received a petition from property owners in and around the former South Metro Transfer Station (SMTS) site for the installation of street, sanitary sewer and storm improvements.

The petition submitted to the city contains the consent of those property owners representing approximately one hundred percent of the affected property owners. This meets the minimum requirement of sixty six and two thirds percent.

Staff recommendation is to accept the petition and call for the preparation of an Engineer's and Finance Director's Report in accordance with Section 3.214 and 3.218 of the Wilsonville Code.

Due to the amount of work that has been completed previously in anticipation of the construction of the SMTS, staff is further recommending that DeHaas and Associates prepare the Engineers Report and the Finance Director's Report at the expense of the petitioners. If this is found not to be acceptable to the petitioners, then the estimated cost of such reports shall be deposited with the city and the city will arrange to have another engineering firm prepare the required material.

DISCUSSION:

During the preliminary work done in conjunction with the SMTS, the potential operator, Willamette Resources, Inc. (WRI), had an extensive amount of engineering work done. This work focused on extension of sanitary sewer and storm drain to the site, as well as the street improvements along Ridder, Clutter and Garden Acres Roads. This work had progressed to the point of the preparation of construction drawings. Since WRI would be installing improvements that could potentially be used by others, the costs associated with these improvements were the subject of a possible refund agreement.

Since the decision by Metro to postpone the construction of the SMTS, the financing avenue for the improvements available to WRI has also been lost. WRI now wishes to proceed with a scaled back version of the facility focusing on recycling and consolidation of their operations within the city. As such, they are still under the conditions for construction of the initial SMTS. Public improvements of this nature are beyond the funding capability of WRI itself. The property owners that were to receive benefits through the initial project have expressed an interest in the

formation of a Local Improvement District (LID) to construct the improvements initially proposed. The costs associated with the improvements would be assessed against the individual properties themselves. The Bonneville Power Association (BPA) has ownership of property along Ridder Road that would receive benefit also. They have indicated that they are not willing or interested in participating in the LID process (see attached Exhibit 'A').

The first step in the LID formation process is to accept the petition and call for (2) reports on the proposed project. The first referred to as the Engineer's Report addresses the general, nature location and extent of the improvements, the estimated costs, possible assessments and methods for assessing and a description of each lot or parcel to be benefited. The second report referred to as the Finance Director's Report addresses assessed valuation of land in compliance with state laws, taxes, debt service, vacancy and credit of the properties involved.

RECOMMENDATION:

In accordance with Chapter 3, Wilsonville Code, city staff requests that the Council declare its intent to form the LID and authorize the City Recorder to verify the signatures on the petition received and preparation of the Engineer's and the Finance Director's Report in association with the formation of a Local Improvement District to install sanitary sewer, storm drain and street improvements within the Ridder, Clutter and Garden Acres area.

Respectfully Submitted,



Michael A. Stone, P.E.
City Engineer

MAS/dr

MS STF REPR/T/Ridder10194



EXHIBIT 'A'

Department of Energy

Bonneville Power Administration
P.O. Box 3621
Portland, Oregon, 97208-3621
1-800-836-6619

RECEIVED

SEP 20 1994

CITY OF WILSONVILLE

SEP 19 1994

In reply refer to: MMLC (Case No. 880761)

Mr. Ben J. Altman
Altman Urban Solutions
8445B SW Curry Drive
Wilsonville, OR 97070

Dear Mr. Altman:

This is in response to your August 30, 1994, letter concerning the proposed Local Improvement District (LID) being established for construction and connection to sanitary sewer and storm drainage facilities. The improvements would be constructed adjacent to Bonneville Power Administration's (BPA) fee-owned property located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 11, Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon.

We have chosen to not participate in the LID because there is virtually no benefit to BPA. In the same vein, BPA is not interested in participating in an Inter-Governmental Agreement (IGA) to collect a deferred assessment. As previously stated, there is no plan to sell or commercially develop this property in the foreseeable future. However, at such time the property is sold, the conveyance document will be recorded in the Washington County Deed Records. The City of Wilsonville and Washington County appear to be the appropriate parties to an IGA.

Thank you for the opportunity to comment on your proposal. If you have any questions, please call Karen Pick at the above toll-free number, or directly at (503) 230-3249.

Sincerely,

A handwritten signature in cursive script that reads "Renee M. Ferrera".

Renee M. Ferrera
Manager, Real Property Management

cc:

Mr. Mike Kohlhoff
City of Wilsonville
30000 SW Town Center Loop East
Wilsonville, OR 97070