

RESOLUTION NO. 1260

A RESOLUTION OF THE CITY OF WILSONVILLE, OREGON APPROVING AN INCREASE IN THE ADDITIONAL PAYMENTS TO PACIFIC LAND MANAGEMENT FROM STREET SYSTEMS DEVELOPMENT CHARGE FUNDS ABOVE PREVIOUS APPROVALS IN RESOLUTION NO. 1221 FOR RECONSTRUCTION AND RELOCATION OF WILSONVILLE ROAD.

WHEREAS, in Resolution No. 1221 Council approved a credit against the street systems development charges of \$236,652 and a credit of \$16,095 against the water systems development charges for the Landover subdivision; and

WHEREAS, in Resolution No. 1221 Council approved payment to Pacific Land Management in the amount of \$205,442 for Wilsonville Road improvements; and

WHEREAS, Pacific Land Management has experienced a substantial increase in the cost for the reconstruction and relocation of Wilsonville Road with the principal reasons for the cost increases as follows:

1. The contract which was used as the basis for determining and prorating of costs for Resolution No. 1221 was based on a bid tabulation that had been prepared prior to approval of the construction plans. Subsequent revisions in quantities based upon final approved construction plans resulted in a substantial increase in project costs.
2. Additional excavation across the fill area was required to obtain a solid foundation. This required additional excavation, additional embankment material and additional bank protection.
3. Additional removal of asphalt and reconstruction above the original contract amounts was required at the intersection of Boeckman Road, Advance Road, and Wilsonville Road.
4. Additional traffic control was required because of the maintenance of school bus traffic through the construction site and more work than had been previously anticipated at the intersection of Boeckman Road, Advance Road and Wilsonville Road.
5. One of the utilities had a major utility line in Wilsonville Road that did not appear on their as built drawings. As a result, a very substantial additional effort was required to relocate this line; and

WHEREAS, Article IX, CREDITS, Section 2, of Ordinance No. 386, allows credits against systems development charges under the following conditions:

“Section 2. An applicant for a building permit is eligible for credit against the SDC for constructing a qualified capital improvement. A qualified public improvement means one that meets all of the following criteria:

- A. Required as a condition of development approval by the Planning Commission or City Council; and
- B. Identified in an adopted Capital Improvement Plan; and
- C. Not located within or contiguous to the property or parcel that is subject to development approval, except to the extent that the capital improvements(s) represent(s) a measurable provision for extra service capacity beyond the actual public facility requirements of the property or parcel approved for development.

Applying the adopted methodology, the City Manager may grant a credit against the public improvement charge for a capital improvement provided as part of the development that reduces the development’s demand upon existing capital improvements or that would otherwise have to be constructed at City expense under the then-existing Council policies”; and

WHEREAS, Staff has reviewed in detail the additional costs that Pacific Land Management incurred in the improvements on Wilsonville Road; and

WHEREAS, Staff agrees that \$278,826 of the increased costs meet the above criteria; and

WHEREAS, Article IX, CREDITS, Section 3, of Ordinance No. 386 does allow the City to provide a share of the costs to such improvements by their means under the following conditions:

“Section 3. The credit provided for by this Article shall be only for SDC charged for the type of improvement being constructed and shall not exceed such SDC even if the cost of the capital improvement exceeds the SDC. However, this section shall not prohibit the City from providing a greater credit or from providing a share of the cost of such improvement by other means, if the City so chooses.”; and

WHEREAS, the increased cost of the street improvements that would be credited against the street SDC’s will exceed the total of street SDC payments from the Landover subdivision by an estimated \$278,826; and

WHEREAS, the City currently has sufficient funds in street SDC’s to pay this increased amount directly to Pacific Land Management; and

WHEREAS, the City can supplement the budget later in this fiscal year to budget for this expenditure; and

° WHEREAS, Pacific Land Management has agreed that the above mentioned costs are the total costs applicable to credit and reimbursement for Wilsonville Road Improvement.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF WILSONVILLE, OREGON THAT:

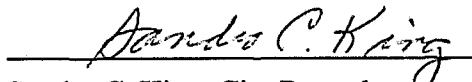
1. The City adopts above recitals as findings and incorporates them by reference in support of this resolution.
2. That the previous credits against the street SDC's in the amount of \$236,652 and credit of \$16,095 against the water SDC's for the Landover subdivision as previously approved in Resolution No. 1221 remain in effect.
3. The City Council approves an increase in payment to Pacific Land Management from \$205,442 to \$484,268 for Wilsonville Road street improvements with the actual amount subject to adjustment by staff for any subsequent project changes.
4. The invalidity of any section, clause or provision of this resolution shall not affect the validity of any other part or section of this resolution which can be given effect without such invalid part(s).

ADOPTED, by the City Council of the City of Wilsonville at a regular meeting thereof on the 18th day of March, 1996, and filed with the City Recorder this date.



GERALD A. KRUMMEL, Mayor

ATTEST:


Sandra C. King, City Recorder

SUMMARY of Votes:

Major Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Yes</u>
Councilor Leahy	<u>Absent</u>
Councilor Leo	<u>Yes</u>