

RESOLUTION NO. 1330

A RESOLUTION ESTABLISHING THE PAYBACK SURCHARGE COST WHICH INCLUDES ENGINEERING DESIGN AND SERVICES DURING CONSTRUCTION; CONSTRUCTION COSTS, INCLUDING BUT NOT LIMITED TO LABOR, MATERIALS AND EQUIPMENT; ADMINISTRATIVE; ATTORNEY; PERMIT; PLAN CHECK FEES OR OTHER COSTS INCIDENTAL THERETO; ESTABLISHING THE TEN (10) YEAR PAYBACK PERIOD FOR THE RIDDER ROAD AREA STREET, STORM DRAIN & SANITARY IMPROVEMENTS PROJECT (L.I.D. NO. 11-94-ST); AND DESIGNATING THE CITY TO COLLECT SUCH SURCHARGE FOR REIMBURSEMENT TO STATE OF OREGON DEPARTMENT OF ECONOMIC DEVELOPMENT AS HEREIN PROPORTIONED.

WHEREAS, the owners of private property along the western boundary of the city in the vicinity of Ridder Road (the Ridder Road Industrial area) desired to form an improvement district to extend street, storm drainage and sewer service to their properties; and

WHEREAS, the city and the owners of the private property coordinated with the State of Oregon Economic Development to obtain a grant to assist in constructing the street adjacent to the Bonneville Power Administration property; and

WHEREAS, the storm and sanitary sewer improvements were sized so that the Bonneville Power Administration property could be served by the storm, sewer and sanitary sewer service lines if this property would be developed; and

WHEREAS, in return for the State of Oregon Economic Development providing a grant to assist in constructing the street adjacent to the Bonneville Power Administration property, the city agreed to establish a repayment agreement whereby the state could collect the proportionate cost of providing storm water and sanitary sewer service to the Bonneville Power Administration property at the time and/if the Bonneville Power Administration property is developed; and

WHEREAS, the Wilsonville Code provides:

Section 3.116 (1) Extensions of Water, Storm Drainage and Sewer Lines or Other Utility Services. If any person agrees to pay the costs of extending a water, storm drainage, or sewer main or lateral line or any cable or other television, telephone,

electrical, natural gas or other utility, to serve his property, and the extension of such line or utility would be adjacent to property other than his own so that water, storm drainage, sewer service, cable or other television, telephone, electrical, natural gas or other utility for either commercial, industrial or domestic use is provided for such other property without further extension of the lines or utilities, the city shall require the owners of the other property prior to providing water, storm drainage, sewer service to such other property, to refund to the person required to pay the costs of extending the water, storm drainage, sewer lines or any cable or other television, telephone, electrical, natural gas or other utility service a pro rata portion of the costs of the extension. The right of the city to require such refunds shall not continue for more than ten (10) years after the date of installation of the extension of the water, storm drainage, sewer line or any cable or other television, telephone, electrical, natural gas or other utilities. The amount to be refunded shall be determined by the Council, and such determination shall be final.

Once a determination has been made, the City Recorder shall enter in the docket of city liens a statement of the refund amount upon each particular lot, parcel of land, or portion thereof, together with the fact that prior to providing water, storm drainage, sewer service, or any cable or other television, telephone, electrical, natural gas or other utility service to the effected property, the refund amount shall be paid to the city, the date of installation of the extension improvement, the date to require such a refund shall not continue for more than ten (10) years after the date of the installation, a description of the improvement and the name of the owners. Upon the expiration of the ten (10) year period and without a refund becoming due and owing, the City Recorder shall remove the entry in toto from the city's lien docket.

WHEREAS, certain properties owned by the United States of America (Bonneville Power Administration - BPA) were not assessed by L.I.D. No. 11-94-ST inasmuch as BPA found no current benefit; and

WHEREAS, if BPA later sells such property making it available for development, such property will benefit from the storm drain and sanitary sewer improvements constructed by L.I.D. No. 11-94-ST; and

WHEREAS, all costs accountable to the Ridder Road Area Street, Storm Drain & Sanitary Improvements Project have been compiled and are listed in Exhibit "1", attached hereto and incorporated by reference herein: and

WHEREAS, the apportioned costs for Storm Drain and Sanitary Sewer Improvements benefiting BPA have been calculated as listed in Exhibit "2", attached hereto and incorporated by reference herein; and

WHEREAS, in compliance with Section 3.116 of the Wilsonville Code, the properties listed in Exhibit "2" shall be entered into the lien docket by the City Recorder for the reimbursement of costs accountable to the construction of the Ridder Road Area Street, Storm Drain & Sanitary Improvements Project which includes engineering design and services during construction, construction costs, including but not limited to labor, materials, equipment, administrative costs, attorney costs, permit-plan check costs, and other costs incidental to the Ridder Road Area Street, Storm Drain & Sanitary Improvements Project.

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

1. Exhibit "2" be approved and authorization be given for the City Recorder to enter in the City Lien Docket the PA properties, mentioned and the payback sum due from each BPA property as prescribed in Exhibit "2" for the Ridder Road Area Street, Storm Drain & Sanitary Improvements Project.
2. The payback period shall be designated as being ten (10) years from the date of final approval of this resolution for those BPA properties mentioned in Exhibit "2" which request connection to said Storm Drains or Sanitary Sewers constructed by the Ridder Road Area Street, Storm Drain & Sanitary Improvements Project.
3. All BPA properties mentioned in Exhibit "2" shall pay those costs due prior to connection to subject storm drains or sanitary sewers to the City of Wilsonville. The City of Wilsonville upon receiving such surcharge payback payment shall reimburse the State of Oregon Department of Economic Development, 775 Summer Street NE, Salem, Oregon 97310, the payment as prescribed in Exhibit "2" for the BPA property connected.

4. Upon receipt of the surcharge payback payment, the City of Wilsonville shall cause the payment owing on the BPA property as set forth in Exhibit "2" to be removed from the lien docket.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 21st day of October, 1996, and filed with the City Recorder this same day.


GERALD A. KRUMMEL, Mayor

ATTEST:


SANDRA C. KING, City Recorder

SUMMARY of Votes:

Mayor Krummel	Yes
Council Lehan	Yes
Councilor Hawkins	Yes
Councilor MacDonald	Yes

Exhibit 1									
LID #11-Estimate of Assessable Costs									
8/26/96	*****Road & Bridge*****								
Vendor	Total	Not Assessable Was Cty	Assessable Street	Not Assessable BPA	Total	Assessable Storm Drain	Assessable Sanitary Sewer	Total Assessable	
Construction									
Total estimated construction	\$936,204	\$71,000	\$390,949	\$135,389	\$597,339	\$185,853	\$153,012	\$729,814	
Service, Engineering, Inspection, Administration									
Subtotal, Service, Engineering, Inspection, Administration	\$227,196		\$93,408	\$49,312	\$142,720	\$47,368	\$37,371	\$178,147	
City project admin	\$13,963		\$5,831	\$3,078	\$8,909	\$2,772	\$2,282	\$10,885	
Planning costs by WRI	\$17,618		\$9,437		\$9,437	\$4,486	\$3,694	\$17,618	
Easements									
Track Removal	\$32,383		\$12,149	\$9,715	\$21,864	\$5,769	\$4,749	\$22,667	
Subtotal	\$4,827						\$4,827	\$4,827	
Subtotal	\$1,232,190	\$71,000	\$511,774	\$197,494	\$780,269	\$246,249	\$205,935	\$963,958	
Financing costs									
Subtotal, Financing costs	\$2,123		\$1,127			\$542	\$454	\$2,123	
Total costs	\$1,234,314		\$512,902			\$246,791	\$206,389	\$966,082	

Exhibit 2
STORM DRAIN & SANITARY SEWER IMPROVEMENTS
 (Does not include storm drain in Ridder Road)
 (Includes BPA Property in Prorata Costs)

Parcel No.	County/Tract No.	Owner Name & Address	Property Description & Assessment Purpose	Storm Drain		Sanitary Sewer		Costs Subject to Repayment		Total
				Acres	Assessment	Acres	Assessment	Storm Drain	Sanitary	
1. - 8.			Washington County Map 35-1W-2C T.L. 1400, 1500, 1600 Clackamas County Map 35-1W-11 T.L. 3001, 3002, 3003, 2900, 2500	27.94	\$160,730.55	46.97	\$156,533.04			
9	Clackamas County 3S-1W-11 T.L. 2700	United States of America c/o Bonneville Power Admin. - MMLD P.O. Box 3621 Portland, OR 97208		7.59	\$43,663.02	7.59	\$25,294.57	\$43,663.02	\$25,294.57	\$68,957.59
10	Clackamas County 3S-1W-11 T.L. 2800	United States of America c/o Bonneville Power Admin. - MMLD P.O. Box 3621 Portland, OR 97208		7.37	\$42,397.43	7.37	\$24,561.39	\$42,397.43	\$24,561.39	\$66,958.82
				42.90 Ac	\$246,791.00	61.93 Ac	\$206,389.00	\$86,060.45	\$49,855.96	\$135,916.41

Assessment Method = Area Basis

Storm Drain

Sanitary Sewer

$$\frac{\$246,791.00}{42.90} = \$5,752.7040$$

$$\frac{\$206,389.00}{61.93} = \$3,332.6175$$

City of

WILSONVILLE
in OREGON



30000 SW Town Center Loop E
Wilsonville, Oregon 97070
(503) 682-1011
(503) 682-1015 Fax
(503) 682-0843 TDD

COMMUNITY DEVELOPMENT DEPARTMENT
STAFF REPORT

DATE: OCTOBER 21, 1996

TO: HONORABLE MAYOR AND CITY COUNCILORS

FROM: ELDON R. JOHANSEN
COMMUNITY DEVELOPMENT DIRECTOR

RE: A RESOLUTION ESTABLISHING A BUY-IN/PAYBACK PROCEDURE FOR CERTAIN PROPERTIES WHICH COULD POTENTIALLY BENEFIT FROM THE STORM DRAIN AND SANITARY IMPROVEMENTS INSTALLED AS PART OF THE RIDDER ROAD INDUSTRIAL AREA LOCAL IMPROVEMENT DISTRICT NO. 11-94-ST AND DESIGNATED REIMBURSEMENT TO THE STATE OF OREGON DEPARTMENT OF ECONOMIC DEVELOPMENT

SUMMARY: As part of the negotiations to obtain a grant to pay for construction of Ridder Road adjacent to Bonneville Power Administration property, the city agreed to establish a buy-in/payback procedure so that if the Bonneville Power Administration property would be connected to the storm water and sanitary sewer surface lines installed by the district, then the proportional costs to the improvements could be collected from the future developer of the BPA property and reimbursed to the State of Oregon Economic Development. This resolution is the last formal act that Council needs to take to complete the administration of assessments and buy-in/paybacks for the local improvement district.

RECOMMENDATION: That Council approve the resolution establishing the buy-in/payback procedures for property that could potentially benefit from installation of storm water and sanitary sewer service lines as part of the Ridder Road Industrial Area Local Improvement District No. 11-94-ST.

BACKGROUND: On October 17, 1994, Council adopted Resolution No. 1139 accepting written petitions from 100% of the benefited property owners and formed the Ridder Road Industrial Area Local Improvement District No. 11-94-ST. The purpose of the district was to provide street, storm water, and sanitary sewer service to an area on the western boundary of the city along Ridder Road which has been, for clarification, called the Ridder Road Industrial Area.



"Serving The Community With Pride"

October 21, 1996
Honorable Mayor and City Councilors
Page 2

On January 24, 1995, Council adopted Resolution No. 1157 accepting the engineer's and finance director's reports, called for and set up the date and time for a public hearing and authorized the mayor to make final application for funding to the Oregon Economic Development Department.

On March 6, 1995 Council adopted Resolution No. 1166, a resolution declaring the city's intent to proceed with Local Improvement District No. 11-94-ST in directing the city engineer to prepare plans and specifications and to advertise for bids for construction of the proposed improvements.

The bids were higher than the original engineer estimate, and on June 19, 1995, Council adopted Resolution No. 1192 modifying the engineer's report and reaffirming the intent to make the improvements to the Ridder Road Industrial Area. There were no protests from any of the property owners in the approval of the modification of the engineer's report with the increased costs.

On June 26, 1995 Council enacted Ordinance No. 445, an ordinance authorizing the loan from the special public works fund by entering into the loan agreement with the Oregon Economic Development Department for funding for the project. As part of the loan agreement, there was a grant for part of the cost of the improvement of Ridder Road adjacent to property owned by the Bonneville Power Administration and between the property owned by the property owners within the local improvement district and the section of Ridder Road that had been improved in the vicinity of 95th Avenue. The remainder of the costs for Ridder Road adjacent to the BPA was paid by a \$71,000 contribution from Washington County in return for the city's annexation of Ridder Road in this area. Exhibit 2, Special Conditions of Award of the loan agreement in paragraph 5 required the following:

"The grant of \$200,847 is subject to the following condition: \$137,827 of the grant, or such adjusted amount mutually agreed by the parties to reflect the actual project completion costs for this portion of the project, shall be subject to repayment if tax lots 2700 and/or 2800 (described as a tract of land in Section 11 of Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon and being these tracts of land more particularly described in fee numbers 69-10051V and 69-11598V, Clackamas County Records), or any part thereof, currently owned by the Bonneville Power Administration, are benefited by connecting to the City of Wilsonville's sewer or storm sewer system at any time before the ten-year anniversary date of the loan contract between the city and the Oregon Economic Development Department, irrespective of property ownership at the time of connection.

As the property is connected to the sewer or storm water system, the conditional grant, or such pro rata part thereof, shall become payable, and shall be paid in such amount as a pro rata share of the property in square feet that is connected to each respective system bears to the total square footage of tax lots 2700 and 2800.

October 21, 1996
Honorable Mayor and City Councilors
Page 3

The amount to be paid may be paid in lump sum or in annual installments with interest at the same rate as the underlying project loan and amortized over the remaining time of the underlying project loan."

The attached resolution is the necessary document to implement the buy-in/payback arrangements in accordance with the loan agreements. Also attached is a map showing the BPA properties. Staff recommends approval of this resolution.



Eldon R. Johansen, Community Development Director

10/16/96

Date

ERJ:bgs

cc: File

CLUTTER ROAD

Parcel 2 WRI T.L. 1500
370 Front Feet
4.32 Acres

Parcel 1 T.L. 1400
338 Front Feet
9.39 Acres
Willamette Resources, Inc. (WRI)

Parcel 3 WRI
403 Front Feet
1.37 Acres

T.L. 1600

T.L. 3001

T.L. 2000

T.L. 2500

T.L. 3003

T.L. 2800

T.L. 2700

T.L. 3002

Oregon Glass Co.
2.49 Acres

Edward Ball
296 Front Feet
2.73 Acres

Inferstate (Distributor Co.)
Mt Tecoma
Leasing Co.
330 Front Feet
2.50 Acres

Bonneville Power Administration
7.37 Acres

Bonneville Power Administration
7.59 Acres

8" PVC STD.	\$42,387.43	ST.D.	\$43,883.02
S.S.	23,581.32	S.S.	28,284.57
TOTAL	\$65,968.75	TOTAL	\$72,167.59

**CITY OF WILSONVILLE
RIDDER ROAD INDUSTRIAL AREA
STREET, SANITARY SEWER & STORM DRAIN IMPROVEMENTS
LID No. 11-94-ST**

COSTS SUBJECT TO REPAYMENT

RR Bridge (Trestle)

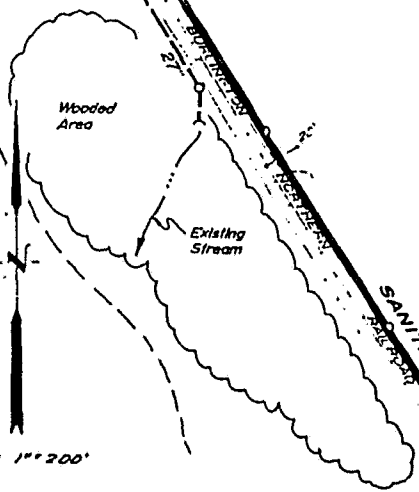
BPA Easement

Railroad Easement

Bonneville Power Administration

Bore Under RR

L.D. McFarland Co., Ltd.
19.03 Acres (w/o access Rd)



Scale: 1" = 200'

FINAL ASSESSMENT, OCTOBER 7, 1996

NOTE:
Street Improvements
(Does not include street frontage BPA)
Sanitary Sewer and Storm Drain
(Does not include storm drain in Ridder Road)

DEHAAS & ASSOCIATES, INC.
SUITE 300 - A.G.C. CENTER
9450 S.W. COMMERCE CIRCLE
WILSONVILLE, OREGON 97070
PHONE: (503) 682-2450
FAX: 682-4018

Exp 12/31/96

David M. [Signature]