

RESOLUTION NO. 1230

A RESOLUTION DECLARING THE CITY'S INTENT TO PROCEED WITH THE PUBLIC IMPROVEMENTS KNOWN AS LOCAL IMPROVEMENT DISTRICT NO. 12-95-ST, CANYON CREEK ROAD NORTH, AND DIRECTING THE PREPARATION OF PLANS, SPECIFICATIONS AND ADVERTISEMENT FOR BIDS FOR CONSTRUCTION OF THE PROPOSED IMPROVEMENTS.

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

WHEREAS, the public improvements known as LID #12-95-ST are necessary for the orderly development of Industrially and Residentially zoned property within the Wilsonville city limits; and

WHEREAS, the owners of one hundred percent of the property that will benefit and incur assessments by the improvement known as LID #12-95-ST, have presented the City with written petitions in support of the local improvement district formation and the City has accepted the petitions by Resolution Nos. 1179 and 1210 and called for the Engineer's and Financial Investigation Reports; and

WHEREAS, these technical reports have been prepared in accordance with Wilsonville Code Sections 3.214 and 3.218 and the reports were approved by the City Council by Resolution No. 1222; and

WHEREAS, the City Recorder has given notice (Exhibits 'A' and 'B') of the proposed improvements by posting the notice in City Hall and by sending a copy of the notice by certified mail to each and every affected property owner, and all other property owners within a 250' radius of the project, that a public hearing will be held to hear objections, if any, to the proposed improvement.

WHEREAS, the requirement for Canyon Creek Road was identified as a requirement in the comprehensive plan as project number 9-5; and

WHEREAS, the requirement for Canyon Creek Road was also identified as a requirement in the transportation master plan; and

WHEREAS, the requirement for sewer service to this area was included in the wastewater collection system master plan; and

WHEREAS, the requirement for storm sewer to serve this area has been included in the storm sewer master plan; and

WHEREAS, each property owner would be required to install the streets, sanitary sewer and drainage as conditions of development as determined by the Planning Commission with the advice of the City Engineer; and

WHEREAS, the piecemeal construction of a 1 1/4 mile road with storm water and sanitary sewer facilities would be expensive, time consuming and very difficult to schedule; and

WHEREAS, the property owners desire to construct the road and related utilities through the formation of a local improvement district with assessments against their property for the design and construction of the improvements; and

WHEREAS, at the time the property owners apply for a building permit under provisions of Ordinance No. 386, Section 2 of Article 9 Credits, they will be allowed credits 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 improvement(s) represent(s) a measurable 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 the need for further capital improvements or that would otherwise have to be constructed at City expense under the then-existing Council policies; and

WHEREAS, of the total project cost of an estimated \$4,059,000 the property owners have requested credits against their systems development charges in the amount of approximately \$1,600,000; and

WHEREAS, staff has reviewed this request for credits and has determined that the requested credits are identified in an adopted Capital Improvement Plan and not located within or contiguous to the property or parcel that is subject to development approval except to the extent that the Capital Improvements represent a major provision for extra service capacity beyond the actual public facility requirements of the property or parcel approved for development; and

WHEREAS, it is anticipated that the City Engineer would recommend that the conditions for the development of property would require construction of the road, storm sewer, sanitary sewer facilities, and water system improvements for fire protection and domestic service for abutting parcels; and

WHEREAS, it is anticipated that the Planning Commission would require that the facilities be constructed; and

WHEREAS, even if the Planning Commission would not condition the property owners to provide the necessary improvements because the improvements had been previously completed as part of the construction by the local improvement district; and

WHEREAS, Ordinance No. 386 Section 3 of Article 9 Credits states as follows: 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 improvements 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 Council desires to provide fair and equitable treatment of the property owners for construction of the required facilities as previously indicated in paragraph number 4 of Resolution No. 1179 where Council resolved that property owners and local improvement district No. 12-95-ST shall be eligible for credits against systems development charges for constructing qualified street and sanitary sewer and storm drain capital improvements.

NOW, THEREFORE, THE CITY OF WILSONVILLE RESOLVES AS FOLLOWS:

1. The City Council adopts above recitals as findings and incorporates them by reference in support of this resolution.
2. Having conducted a public hearing and failing to receive remonstrances from owners representing two-thirds or more of the area to be assessed, the City Council declares its intent to make the improvement known as LID No. 12-95-ST.
3. The City shall enter into a professional services agreement with the engineering firm of David Evans and Associates, Inc. for the purpose of design and construction management of the improvement project.
4. Project design shall integrate a planting strip along the length of the improvements to the extent it is feasible and desirable given existing features and impact on right of way.
5. City staff shall work with the five impacted residential property owners on Canyon Creek Road North to resolve the details including maintenance and location of the proposed privacy screen/sound barrier.
6. The re-vegetation plans for the street alignment and the sewer alignment shall be presented to City Council for final approval and, if necessary, may be bid for construction separately.
7. LID 12-95-ST improvements shall be financed as follows:
 - a. Construction financing: Bank anticipation notes structured for repayment based solely on bond proceeds and payments related to LID No.12.

- b. Long term financing: Bancroft bonds structured as a single 12 year term bond requiring only interest payments, with 10 year property assessments to allow for the foreclosure process to run if the final payment on a 10 year contract is missed.

8. Subject to construction of the facilities by local improvement district the City Council approves a credit against the street, sanitary sewer and storm water systems development charges for the properties included in local improvement district No. 12-95-ST in the amounts indicated in the attached cost allocation matrix (Exhibit 'C') with the amount subject to adjustment by staff to actual costs following project completion.

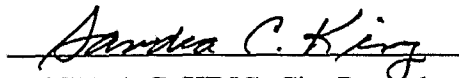
9. The invalidity of any section, clause, or provision of this resolution shall not affect the validity of any other part or section of this resolution which can be given effect without such invalid parts.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof this 20th day of November , 1995 and filed with the Wilsonville City Recorder this date.



GERALD A. KRUMMEL, Mayor

ATTEST:



SANDRA C. KING, City Recorder

SUMMARY OF Votes:

Mayor Krummel	Yes
Councilor Lehan	Yes
Councilor Hawkins	Yes
Councilor Leahy	Yes
Councilor Leo	Yes

NOTICE OF PUBLIC HEARING

TO OWNERS OF REAL PROPERTY IN THE
CANYON CREEK ROAD NORTH AREA
TO FORM LOCAL IMPROVEMENT DISTRICT (LID NO. 12-95-ST)

(For Street, Street Lighting, Storm Drainage, Water,
Landscaping and Sanitary Sewer)

Pursuant to action by the Wilsonville City Council at a regular meeting thereof on Monday, October 2, 1995, and its Resolution No. 1222 adopted on that date and in accordance with the provisions of Chapter 3.230 of the Wilsonville Code, the undersigned City Recorder for the City of Wilsonville, Clackamas and Washington Counties, Oregon, hereby gives the following notice to the owners of real property within the improvement district which is known as "Canyon Creek Road North LID #12-95-ST" the tax lots of which are as follows:

Tax Lots 100, 200, and 400: Map 3SC11CD

Tax Lots 300,407, 500, 501, 590, 601, 602, and 603: Map 31W12

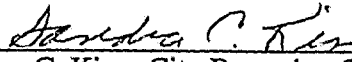
- A. The proposed improvements are for the purpose of constructing 6700 linear feet of Canyon Creed Road North, 7300 linear feet of sanitary sewer trunk, 5500 linear feet of storm drainage, and 1350 linear feet of water main. The properties to be specially benefited by such improvements are immediately adjacent to said portion of the proposed Canyon Creed Road North, and the assessment area for each property and the extent of the proposed improvement district is shown in a map in the Engineer's Report. The City declared its intentions to make such improvements by its Resolution No. 1179, adopted June 5, 1995.
- B. The Engineer's report as referred to in the foregoing paragraph A, as well as a Financial Investigation Report, were approved by the Wilsonville City Council at a regular meeting on Monday October 2, 1995. Said Reports and costs estimates and the entire record of this local improvement district project are now on file with the Wilsonville Community Development Department at the Wilsonville City Hall Annex, and is subject to the examination of any person or persons whomever may be interested. Said reports and records may be examined at the Wilsonville City Hall Annex at 8445 SW Elligsen Road, Wilsonville, Washington County, Oregon, between the hours of 9:00 a.m. and 4:30 p.m., Monday through Friday in each week thereafter.
- C. OBJECTIONS TO SAID REPORTS AND IMPROVEMENT PROJECT WILL BE CONSIDERED BY THE WILSONVILLE CITY COUNCIL AT A REGULAR MEETING AND PUBLIC HEARING AT THE WILSONVILLE CITY HALL ANNEX, SCHEDULED TO BEGIN AT 7:00 P.M. ON MONDAY NOVEMBER 20, 1995.**
- D. Written remonstrances may be filed against the proposed improvement project, and any such remonstrances must be filed at the office of the Wilsonville City Recorder not later than 5:00 p.m. on Monday November 20, 1995. Oral objections or written remonstrances may be made or filed at the time of the public hearing.

A. The estimated total cost of the improvements is \$4,059,000, consisting of \$2,700,000 for street, \$354,000 for storm drainage, \$713,000 for sanitary sewer, \$292,000 for water, all of which is proposed to be financed and repaid by assessments to the benefited properties; the owners thereof and the proposed assessments are as follows:

1. Tax Lots 100 and 400; Map 3S11CD
Owner: S & S Development
Assessment: \$622,395.
2. Tax Lots 200; Map 3S11CD
Owner: Richard J. Brownstein & Fred Jarrard
Assessment: \$477,063.
3. Tax Lot 300 and 407; Map 31W12
Owner: Burns-Western
Assessment: \$1,029,235
4. Tax Lots 500 and 590; Map 31W12
Owner: Tektronix, Inc.
Assessment: \$1,084,710.
5. Tax Lots 601, 602 and 603; Map 31W12
Owner: Everett L. Hobbs, Trustee
Assessment: \$441,032.
6. Tax Lot 501; Map 31W12
Owner: Mentor Graphics Corp.
Assessment: \$404,565.

The estimated total cost of the proposed improvement project which is to be paid by the special assessment of benefited properties is AN ESTIMATE ONLY which includes construction costs, right-of-way and easement costs, engineering, surveying, inspection, administration, legal and contingencies.

Dated, posted and mailed this 29 day of October, 1995.



Sandra C. King, City Recorder
Wilsonville City Hall
30000 SW Town Center Loop E.
Wilsonville, Oregon 97070

CITY OF WILSONVILLE
NOTICE OF PUBLIC HEARING

Notice is hereby given that the City of Wilsonville will hold a PUBLIC HEARING on MONDAY NOVEMBER 20, 1995, AT 7:00 P.M., at 8445 SW Elligsen Road, City Hall Annex, Wilsonville, Washington County, Oregon.

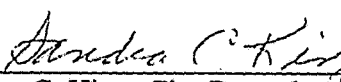
The City Council is holding this public hearing regarding proposed Local Improvement District #12-95-ST, Canyon Creek Road North. The proposed improvements are for the purpose of constructing Canyon Creek Road North from Boeckman to Elligsen Roads along with sanitary sewer, storm drainage, and water. The City declared its intentions to make such improvements by its Resolution No. 1179, adopted June 5, 1995. Engineering and Financial reports were approved by the City Council on October 2, 1995. These reports are on file with the Wilsonville Community Development Department at the Wilsonville City Hall Annex, and are subject to examination by whomever may be interested.

YOUR PROPERTY IS NOT LOCATED WITHIN THE PROPOSED LOCAL IMPROVEMENT DISTRICT BOUNDARIES AND WILL NOT BE SUBJECT TO ASSESSMENT FOR THESE IMPROVEMENTS.

A complete copy of the staff report and recommendation is available for inspection on or before Monday November 6, 1995.

Inquiries pertaining to this public hearing may be made by contacting C.J. Sylvester, Urban Renewal Project Manager, at 682-4960. Public testimony, oral and written, regarding this issue will be accepted at the meeting. Written statements are encouraged and may be submitted prior to the hearing date.

Dated, posted and mailed this 25 day of October, 1995.



Sandra C. King, City Recorder
Wilsonville City Hall
30000 SW Town Center Loop E
Wilsonville, Oregon 97070

EXHIBIT "C"

PROPOSED COST ALLOCATION MATRIX (October 2, 1995)

LINE NO.	PROPERTY OWNER	EXPECTED LAND USE	GROSS AREA (acres) (1)	WETLAND AREA (3) (acres)	PRIMARY OPEN SPACE (3) (acres)	POWERLINE EASEMENT (acres)	NET AREA (acres)	EDU ALLOCATION - SANITARY					EDU ALLOCATION - WATER					ROADWAY - EDU & NET ACRE AVERAGE						EDU ALLOCATION - STORM					LINE NO.				
								E.D.U. (SEWER) (2) IND.= (0.4 x gross)	SANITARY SEWER COST (E.D.U.)	TOTAL COST (%)	PROP. SDC CREDIT	SDC CREDIT (%)	E.D.U. (WATER) (2) IND.= (0.4 x gross)	WATER COST	TOTAL COST (%)	PROP. SDC CREDIT	SDC CREDIT (%)	ROADWAY COSTS (EDU)	ROADWAY COSTS (NET AC.)	ROADWAY COSTS (AVG.)	TOTAL COST (%)	PROP. SDC CREDIT	SDC CREDIT (%)	IMPERVIOUS AREA (s.f.) IND.= (0.85 x net)	E.D.U. (STORM) IND.= (l.s.f. / 1,150)	STORM COSTS (E.D.U.)	TOTAL COST (%)	PROP. SDC CREDIT		SDC CREDIT (%)	TOTAL COST	TOTAL COST (%)	
1	TEKTRONIX, INC (PARCEL A)	R	24.75	3.04	0	4.73	16.98	116	\$73,781	10.35%	\$9,210	10.35%	116	\$30,216	10.35%	\$0	0%	\$225,162	\$381,778	\$308,470	11.42%	\$167,002	11.42%	N/A	116	\$24,184	6.83%	\$2,801	6.83%	\$438,651	10.78%	1	
2	TEKTRONIX, INC (PARCEL B)	I	20.33	1.94	0	2.65	15.74	191	\$121,483	17.04%	\$15,184	17.04%	191	\$49,752	17.04%	\$0	0%	\$370,740	\$363,189	\$366,855	13.59%	\$198,665	13.59%	605,745	527	\$109,889	31.04%	\$12,725	31.04%	\$648,059	15.97%	2	
3	EVERETT L. HOBBS	R	20.41	0	3.41	0	17.00	118	\$75,053	10.53%	\$9,388	10.53%	118	\$30,737	10.53%	\$0	0%	\$228,044	\$392,241	\$310,642	11.51%	\$168,178	11.51%	N/A	118	\$24,601	6.95%	\$2,848	6.95%	\$441,032	10.87%	3	
4	MENTOR GRAPHICS CORPORATION	I	22.19	0	4.62	0	17.57	0	\$0	0.00%	\$0	0.00%	0	\$0	0.00%	\$0	0%	\$403,738	\$405,392	\$404,565	14.98%	\$219,027	14.98%	650,547	0	\$0	0.00%	\$0	0.00%	\$404,565	9.97%	4	
5	BURNS-WESTERN (PARCEL A)	R	25.02	3.89	0	4.45	16.68	312	\$198,444	27.83%	\$24,771	27.83%	312	\$81,270	27.83%	\$0	0%	\$605,607	\$384,857	\$495,232	18.34%	\$268,113	18.34%	N/A	312	\$85,046	18.37%	\$7,534	18.37%	\$839,993	20.69%	5	
6	BURNS-WESTERN (PARCEL B)	R	5.09	1.20	0	2.19	1.70	24	\$15,265	2.14%	\$1,905	2.14%	24	\$6,252	2.14%	\$0	0%	\$46,585	\$39,224	\$42,905	1.59%	\$23,228	1.59%	N/A	24	\$5,004	1.41%	\$580	1.41%	\$68,425	1.71%	6	
7	BURNS-WESTERN (PARCEL C)	I	8.60	1.15	0	0.28	5.17	0	\$0	0.00%	\$0	0.00%	0	\$0	0.00%	\$0	0%	\$120,345	\$119,287	\$119,816	4.44%	\$84,867	4.44%	192,165	0	\$0	0.00%	\$0	0.00%	\$119,816	2.95%	7	
8	RICHARD J. BROWNSTEIN (PARCEL A)	I	7.42	0	0.41	1.12	5.89	70	\$44,523	6.24%	\$5,558	6.24%	70	\$18,234	6.24%	\$0	0%	\$135,873	\$135,900	\$135,887	5.03%	\$73,568	5.03%	218,083	190	\$39,811	11.19%	\$4,588	11.19%	\$238,254	5.87%	8	
9	RICHARD J. BROWNSTEIN (PARCEL B)	I	7.40	0	0	1.48	5.92	70	\$44,523	6.24%	\$5,558	6.24%	70	\$18,234	6.24%	\$0	0%	\$135,873	\$136,592	\$136,233	5.05%	\$73,755	5.05%	219,184	191	\$39,820	11.25%	\$4,612	11.25%	\$238,809	5.88%	9	
10	S & S DEVELOPMENT	R	19.38	0	1.00	4.01	14.37	220	\$139,929	19.83%	\$17,487	19.83%	220	\$57,309	19.83%	\$0	0%	\$427,031	\$331,559	\$379,295	14.05%	\$205,346	14.05%	N/A	220	\$45,868	12.96%	\$5,312	12.96%	\$622,395	15.33%	10	
TOTALS			158.59	11.22	8.44	20.81	117.02	1,121	\$713,000	100.00%	\$88,000	100.00%	1,121	\$292,000	100.00%	\$0	0%	\$2,700,000	\$2,700,000	\$2,700,000	100.00%	\$1,481,750	100.00%	1,885,734	1,688	\$354,000	100.00%	\$41,000	100.00%	\$4,059,000	100.00%		
									PROPOSED SDC CREDIT		\$89,000				\$0														\$1,591,750				
									PROJECT COST LESS CREDITS		\$624,000				\$292,000																\$2,467,250		

(1) Parcel boundary information is from Clackamas County tax maps, where appropriate
 (2) For residential zoning: E.D.U. = as planned.
 (3) Wetland and Primary Open Space areas are those clear of BPA easements.