

AN ORDINANCE TO DETERMINE THE ASSESSMENTS AGAINST THE PROPERTIES SPECIFICALLY BENEFITTED BY WATERLINE FOR WL-88-5, Railroad Waterline, AND DECLARING AN EMERGENCY.

RECITALS:

1. The waterline assessments as referred to in this ordinance and previous resolutions and ordinances are for the waterline to serve WL-88-5, Railroad Waterline.
2. Preliminary resolutions and ordinances prescribing the manner and extent of the improvements are set forth in Resolution No. 2919.
3. The assessments set forth in the following ordinance are based upon the request and recommendation of the City Engineer in compliance with Albany Municipal Code, Section 15.04.110.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The costs of the waterline to serve WL-88-5, Railroad Waterline, are as follows:

<u>Project</u>	<u>Int. & Misc.</u>	<u>Cost</u>	<u>4% E.L.A.</u>	<u>Total</u>
WL-88-5		\$18,280.00	\$731.20	\$19,011.20

Section 2: Property and assessment data are listed on the attached sheets.

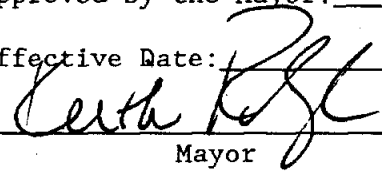
Section 3: The City Recorder is hereby directed to enter a statement of the assessments as above provided in the docket of the city liens and give notice thereof as provided by law.

Section 4: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, safety, and health of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: September 26, 1990

Approved by the Mayor: September 27, 1990

Effective Date: September 26, 1990



 Mayor

ATTEST:



 Deputy City Recorder

INTERDEPARTMENTAL MEMORANDUM
Public Works Department
Engineering/Utilities Division

TO: Albany City Council

VIA: Steve Bryant, City Manager

FROM: John Joyce, P.E., Public Works Director

DATE: September 19, 1990, for September 26, 1990, City Council Meeting

SUBJECT: WL-88-5, Lemons Waterline, Final Engineer's Report Addendum

The public hearing for the assessment of the costs of this local improvement district project is scheduled for the September 26, 1990, Council meeting. The background for this project is described in the attached Engineer's report.

During a meeting with the interested parties on September 18, 1990, staff learned that the property owners do not agree with the proposed assessment for this project. The property owners feel that since the City had planned to complete a portion of this project independent of the Lemons development, that they should not be assessed for any portion of the 12-inch line on 13th Avenue from Montgomery Street to Industrial Way. The final Engineer's report proposes to assess them for the equivalent cost of an 8-inch waterline for this portion of the project. The Lemons are correct in their conclusion that the City would have paid the entire cost of the 12-inch line if they had initiated their project after the completion of the City's planned waterline improvement.

Had there not been a planned City waterline project, the property owners would likely have had to pay for the extension of a waterline from Industrial Way to the existing 8-inch line east of Montgomery Street. As a condition of site plan approval, the property owners did petition for the construction of the waterline and did not remonstrate against the proposed assessment method at the time the Preliminary Engineer's report went to the Council in November 1989. However, it is apparent to the Lemons that the waterline that we have assessed to them benefits other properties in the area as well as their property.

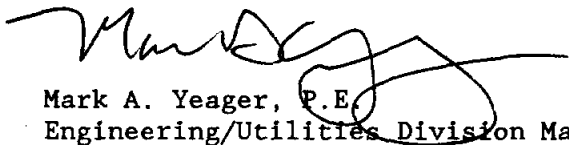
The Lemons have agreed to pay the cost (\$7,832.25) of the 8-inch line on 13th east of Montgomery Street. The balance of the assessment (\$11,178.95) can be met in one of three ways. First, the Lemons could be required to pay the costs they agreed to when signing the Waiver of Remonstrance for this project. Second, water revenue bond proceeds could be used to fund the remainder of this project. The concern with this method is the precedence it sets for development in other areas where the City has planned system improvement projects, and also the fact that other developers have been previously required to pay assessments for similar projects. Third, ARA funds could be used to fund this portion of the assessment. The rationale here is that this is a necessary off-site improvement to allow this development to occur, the project benefits several other properties within the ARA district, the property is within the ARA district and the value of the improvement is approximately \$800,000. In addition, the Lemons expansion project is one that fits in with our regional strategy (secondary

wood products), it adds new family wage employment, and it is generally the ideal type of project for ARA assistance. The tax increment from this project will pay for this assessment in the first year of tax payment (even with the passage of Ballot Measure No. 5).

Staff is recommending that the Council modify the proposed assessment method for this project to assess the property owners the full cost of the 8-inch line (\$7,832.25), and that the ARA pay the assessment for the 8-inch equivalent cost of the 12-inch line (\$11,178.95).

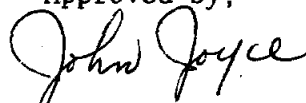
A revised Property and Assessment Data sheet is attached.

Respectfully submitted,



Mark A. Yeager, P.E.
Engineering/Utilities Division Manager

Approved by,



John Joyce, P.E.
Public Works Director

PROPERTY AND ASSESSMENT DATA

WL-88-5, Railroad Waterline - 13th Avenue L.I.D. Portion

Office Public Works Director

OWNER/ADDRESS	TAX LOT	\$ PER FRONT FOOT	FRONT FEET	TOTAL ASSESSMENT
Lemons Investments 5811 NW Metge Ave. Albany, OR 97321	11-3W-7CA, TL 200	36.56	214.23	\$7,832.25
O. Eugene Lemons * 5871 NW Metge Ave. Albany, OR 97321	11-3W-7CA, TL 202	36.56	305.77	\$11,178.95 *
TOTAL ASSESSMENT				\$19,011.20

* Albany Redevelopment Agency to pay the \$11,178.95 Assessment for Tax Lot 202, 11-3W-7CA