

ORDINANCE NO. 4987

AN ORDINANCE TO DETERMINE THE ASSESSMENTS AGAINST THE PROPERTIES SPECIFICALLY BENEFITTED BY SANITARY SEWER FOR SS-89-1, HIGHWAY 20 SANITARY SEWER L.I.D., AUTHORIZING REIMBURSEMENT BONDS AND DECLARING AN EMERGENCY.

RECITALS:

1. The sewer assessments as referred to in this ordinance and previous resolutions and ordinances are for the sewers to serve SS-89-1, Highway 20 Sanitary Sewer L.I.D.
2. Preliminary resolutions and ordinances prescribing the manner and extent of the improvements are set forth in Resolutions Nos. 3126, 2891, and 2882.
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 sewers to serve SS-89-1, Highway 20 Sanitary Sewer L.I.D., are as follows:

<u>Project</u>	<u>Interest & Misc.</u>	<u>Construction Cost</u>	<u>E.L.A.</u>	<u>Total Cost</u>
SS-89-1	-0-	\$241,655.95	\$31,415.27	\$273,071.22
		\$236,315.95	\$26,284.52	\$262,600.47

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: It is the intention of the City of Albany (the "Issuer") to issue obligations (the "Reimbursement Bonds") to obtain reimbursement for the expenditures the Issuer will make for the property described in Exhibit A to this Ordinance. The Reimbursement Bonds may pay interest which is taxable or interest which is excluded from Gross Income under Section 103(a) of the Internal Revenue Code.

Section 5: Reimbursement Bonds may be issued to provide interim financing for the capitalizable costs of the property described in Exhibit A hereto in an amount which, together with other available funds of the Issuer, is not in excess of the sum of such costs plus the costs of issuing such interim financing. Reimbursement Bonds may be issued to provide permanent financing for the capitalizable costs of the property described in Exhibit A hereto in an amount which does not exceed the principal amount of applications to pay assessments in installments relating to such property plus any reserve funds and issuance costs associated with such permanent financing.

Section 6: The property described in Exhibit A hereto is property having a reasonably expected economic life of at least one (1) year.

Section 7: Payment for the property described in Exhibit A hereto will be initially made from the Improvement Fund.

Section 8: The principal of, premium, if any, and interest due on the Reimbursement Bonds are expected to be paid from special assessments.

Section 9: The Issuer declares that it has not provided for, and does not intend to provide for, payment of the property described in Exhibit A hereto by budget or other allocations that are inconsistent with this Ordinance.

Section 10: The Issuer hereby directs that this Ordinance be continuously available for inspection by the general public at the City Recorder's Office during normal business hours on every business day beginning 10 days after the date of adoption of this Ordinance and ending on the date of issuance of the Reimbursement Bonds.

Section 11: 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: January 22, 1992

Approved by the Mayor: 1-22-92

Effective Date: 1-22-92

Paula Chubough
Mayor

ATTEST:

Norm C. Withrow
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: December 17, 1991, for January 8, 1992, Council Meeting

SUBJECT: Final Engineer's Report, Amended January 29, 1992
SS-89-01, Highway 20 Sanitary Sewer L.I.D.

The January 8, 1992, final engineer's report and attached assessment data for this project was adopted as amended by the Council during the public hearing held on January 22, 1992. Amended portions of the engineer's report are shown herein by italicized print.

Description of Project:

This project provided sanitary sewer service to a total of seven properties located on both sides of Highway 20 near Commercial Way. Additional work was included in the project at the written request of one of the affected property owners.

The project provided for the construction of approximately 635 linear feet of 8-inch, 115 linear feet of 10-inch, and 1,640 linear feet of 12-inch PVC sanitary sewer pipe; seven 6-inch service laterals; 725 linear feet of 12-inch ductile iron waterline, including two fire hydrant assemblies; nine 48-inch manholes; and boring and jacking of a 16-inch and a 24-inch steel casing beneath Highway 20.

The project was initiated in response to a request from Mid-State Petroleum, Inc., to provide sanitary sewer service to tax lot 1400, Map No. 11-3W-9A. The project was approved by the Council via Resolution No. 2896 on October 11, 1989.

Summary of Project Cost:

The project was awarded to Emery Construction on August 22, 1990, based on a low bid of \$231,520.65. The project cost included additional work that will be a special assessment against tax lot No. 1400.

Original Contract Amount	\$231,520.65
Contract Deletions	- 4,635.65
Change Orders	+ 19,315.78
OSHD Participation (Petroleum Cleanup Costs)	- 4,544.83
<i>Remobilization Costs</i>	<i>- 5,340.00</i>
TOTAL ASSESSABLE CONSTRUCTION COSTS	236,315.95

<i>Extra Work for Tax Lot No. 1400</i>	- 64,265.60
TOTAL ASSESSABLE CONSTRUCTION COSTS, PRIMARY PROJECT	172,050.35
<i>ELA Costs (Fixed at 1989 Public Hearing Amount)</i>	+ 17,930.00
TOTAL ASSESSABLE COST, PRIMARY PROJECT	189,980.35
Total Assessable Cost, Special Assessment, TL 1400 <i>(This figure includes regular 13% ELA)</i>	72,620.12

The proposed final assessable cost of ~~\$200,451.10~~ **\$189,980.35** for the primary project is approximately ~~46%~~ **38%** higher than the October 1989 public hearing estimate of \$137,500.

Method of Assessment:

The method of assessment for the primary project is on a per-acre basis as was established in the original engineer's report.

The special assessment is for additional water and sanitary sewer improvements that were constructed solely for the benefit of one property. These improvements are assessed solely to that property.


Please refer to the attached assessment data sheets for actual costs to be assessed individual property owners.

Recommendation:

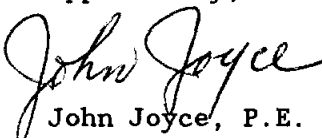
It is recommended that the City Council accept the final engineer's report and by motion adopt the attached Resolution to schedule a public hearing to consider any objections to the proposed assessment amended Ordinance.

Adopted as amended at the January 22, 1992 public hearing.

Respectfully Submitted,


Dean Nebergall, P.E.
Engineering Supervisor

Approved by,


John Joyce, P.E.
Public Works Director

AMENDED
 PROPERTY AND ASSESSMENT DATA
 SS-89-1, Highway 20 Sanitary Sewer L.I.D.

<u>Owner</u>	<u>Tax Lot</u>	<u>Acres</u>	<u>Total Assessment</u>	
Peter Fitzpatrick 4129 Santiam Hwy. SE Albany, OR 97321	11-3W-9A No. 1402	2.11	34,668.18	32,857.26
National Cardlock Inc. C/O Don Wilson PO Box 1689 Albany, OR 97321	11-3W-9A No. 1400	4.64	148,857.26*	144,874.94
	*This Total Assessment Includes:			
			Primary Project.....(76,237.14)	72,254.82
			Additional Work.....(72,620.12)	
William Rogers PO Box 1147 Albany, OR 97321	11-3W-9D No. 1200	1.94	31,875.01	30,209.99
Floyd Zumwalt 1515 Chestnut St. SE Albany, OR 97321	11-3W-9D No. 1300	0.56	9,201.03	8,720.41
William Rogers PO Box 1147 Albany, OR 97321	11-3W-9D No. 300	0.85	13,965.86	13,236.34
William Rogers PO Box 1147 Albany, OR 97321	11-3W-9D No. 303	1.40	23,002.58	21,801.02
Cummins Transfer Co. C/O Richard M. Mikesell PO Box 826 Albany, OR 97321	11-3W-9D No. 201	0.70	11,501.29	10,900.51

TOTALS

Primary Project.....	\$200,451.10	\$189,980.35
Special Assessment.....	\$ 72,620.12	
Total Assessable Costs.....	\$273,071.22	\$262,600.47
Cost/Acre, Primary Project.....	\$ 16,430.42	\$ 15,572.16