

CITY OF SHERWOOD, OREGON

ORDINANCE NO. 710

AN ORDINANCE CONFIRMING AND RATIFYING THE RESOLUTION OF THE CITY COUNCIL OF MARCH 14, 1979, WITH RESPECT TO THE ROCK CREEK WATER AND SEWER LOCAL IMPROVEMENT DISTRICT, RESOLUTION #190, ADOPTING FINDINGS AS A RESULT OF HEARINGS HELD WITH RESPECT THERETO, DIRECTING PREPARATION OF CONSTRUCTION PLANS AND SPECIFICATIONS AND ESTIMATES FOR THE TOTAL COSTS OF THE IMPROVEMENTS, PREPARATION OF PRE-ASSESSMENT ROLLS, DIRECTING THAT HEARINGS BE HELD WITH RESPECT THERETO AND THE GIVING OF NOTICE WITH RESPECT THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, a resolution was duly passed by the City Council of the City of Sherwood at its meeting of March 14, 1979, a copy whereof is hereto attached as Exhibit B and by this reference made a part hereof to the same legal force and effect as if set forth herein in full, by the terms of which the proposed boundaries of a proposed sewer and water improvement district were described, and the Council declared its intention to construct a sanitary sewer system and water lines and to assess the costs thereof against the properties within the boundaries specially benefitted pursuant to the authority found in City Charter Section 66, and sections 210 through 222, and Oregon Revised Statutes, Chapter 224.010 et seq and Chapter 225.010 et seq, and

WHEREAS, by the terms of said resolution a hearing was duly called to be held in the council chambers in the city hall at Sherwood, Oregon on the 11th day of April, 1979, at the hour of 8 o'clock PM for the purpose of affording an opportunity to any parties interested or aggrieved by the proposal to make objections or remonstrances to the proposed improvements, and

WHEREAS, pursuant to said resolution, due and legal notice of said hearing was given by publication in the Tigard Times for consecutive publishings on March 28, March 30 and April 4, 1979, and three copies of said resolution were posted in three public and conspicuous places within said proposed sewer and water improvement district not less than ten days prior to the date of said hearing, and

WHEREAS, said hearing was duly and regularly held at City Hall, Sherwood, Oregon, on April 11, 1979, at the hour of 8 o'clock PM and thereupon adjourned to larger facilities at Sherwood High School in the City of Sherwood and thereat reconvened for the purpose of hearing testimony, objections or remonstrances, oral and written; and

WHEREAS, the Council has considered the remonstrances and objections received, has reviewed the proposed improvements, and the proposed boundaries, and has found that:

A. A portion of the area described in the Resolution #190 will not be served by the improvements proposed and should be eliminated from the proposed district and that the boundaries of the proposed district should be drawn as set forth in the attached Exhibit A, by this reference incorporated herein, and

B. The area included in the lands described by Exhibit A is not now served by sanitary sewer or adequate public water supplies, and said facilities are necessary to develop the properties in accordance with the applicable comprehensive plan for the area. Installing the proposed improvements will make service connection readily available to all property within the city limits within the district and will make service available to property outside the city limits, after annexation, lying within the district and within the urban growth boundary. The land within the district is zoned or planned for industrial or residential uses requiring the availability of water and sewer service. Sewer service for the lands within the district requires the installation of the Rock Creek Trunk to connect the area to the Unified Sewerage Agency interceptor at the north side of the Cipole onion flats near Southwest Pacific Highway. The installation of this trunk line must be sized so as to accommodate both lands presently within the city limits and lands within the urban growth boundary for which sewer service will be required in the reasonably foreseeable future.

If the trunk is not installed now so as to be available to accommodate those lands in the future, the cost of providing service for those lands separately in the future may be prohibitive. Lands within the city limits should not be required to presently bear the entire cost of the trunk line being built to provide gravity flow service to the larger urban growth area nor are there other funds readily available to defray the cost of construction until said costs can be recouped on the basis of special charges to be made after annexation, or on the uncertain basis that contractual agreements would provide due to lack of uniformity of consent. Therefore there is a present direct and special benefit to those lands lying outside the city limits by making service readily available upon annexation, and said lands should now be included in the district for purposes of participation in the costs of the sewer trunk line.

C. The following improvements are generally depicted on Bryan Engineering Drawing #134-1, Sheet 1, revised June 13, 1979, are now necessary for the public health, safety and convenience, and should be made:

1. The Rock Creek trunk sewer line.
2. An 8" CSP sewer lateral along the Southern Pacific Railroad tracts from the trunk to the northeast city limits.
3. An 8" CSP sewer lateral from the railroad tracks at Edy Road and continuing east on Edy Road to the city limits.
4. An 8" CSP sewer lateral from the trunk east along Edy Road to the manhole on Edy Road, approximately 1300 feet easterly.
5. 12" DIP water lines as shown on drawings from the tannery pumping station along Sherwood Tualatin Road, west on Edy Road to the city limits, and south on Murdock Road to Division Street; and

D. That said water and sewer improvements will specially benefit locally only a portion of all the properties located within the City of Sherwood, and the sewer trunk line will specially benefit certain properties located outside the City of Sherwood but located within its planned urban growth boundary, and all the costs thereof, including the cost of construction, cost of engineering, advertising, legal expense, superintending, the costs of lands and rights of way

necessary, and all other expenses should be assessed to the properties benefitted in the manner provided by Chapter XVII of the charter of the City of Sherwood, Chapter 224.010 et seq and 225.010 et seq, Oregon Revised Statutes;

NOW, THEREFORE, THE CITY OF SHERWOOD DOES ORDAIN AS FOLLOWS:

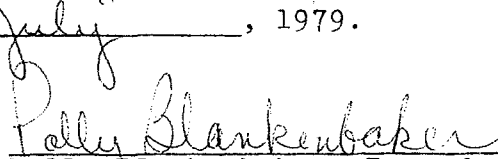
Section 1: All matters set forth in the resolution of the City Council of the City of Sherwood # 190 attached hereto as Exhibit B, are hereby approved, ratified and confirmed except as the boundaries of the proposed district which are changed hereby to read as described in Exhibit A to this ordinance, and the boundaries of the area known as the Rock Creek Water and Sewer Local Improvement District are hereby declared and fixed in accordance with said description.

Section 2: The Council, having acquired jurisdiction to order the improvements set forth above made, does hereby declare that the Rock Creek Water and Sewer Local Improvement District is formed, orders that the improvements set forth in the Council's findings be constructed, and does authorize and direct that the engineer designated by the Council proceed to prepare detailed plans, construction drawings and estimates of the total cost and expense of making said improvements and file same with the City Recorder along with the expenses proposed and manner of apportioning the estimated total costs upon the basis of the benefits received by each tract, lot or parcel of land, by the construction of said improvements taking into consideration the distance of any tract, lot or parcel of land from the trunk sewers, the lateral sewers and the water main, the cost of connection therewith and such other considerations relevant to apportionment of the costs upon the basis of benefits to be received.

Section 3: The Council finds that it is appropriate that the procedure for making the proposed water improvements and assessing benefited properties with the cost thereof, be the same as that procedure set forth in the City Charter for sewers and drains as found in Chapter XVII of the City Charter. The City Council hereby ratifies and approves that procedure as heretofore used by the Council and orders that said procedure shall be followed with respect to both the water and sewer improvements and assessments to be made pursuant to this ordinance.

Section 4: Inasmuch as it is necessary to the public health, safety and convenience that construction commence as soon as practical and it is necessary that plans, drawings and cost estimates be prepared so that the Council may apportion costs and commence assessment procedures as set forth in Section 215 of the City Charter without delay, an emergency is hereby declared to exist and the ordinance shall become effective upon its passage by the Council and signature by the Mayor.

PASSED: By the Council after being read in caption three times this 11 day of July, 1979.


Polly Blankenbaker, Recorder
City of Sherwood

APPROVED: By the Mayor this 12 day of July, 1979.

Marjorie Stewart
Marjorie Stewart
Mayor, City of Sherwood

LEGAL DESCRIPTION OF BOUNDARY OF
PROPOSED ROCK CREEK WATER AND SEWER
LOCAL IMPROVEMENT DISTRICT

Beginning at the Southeast corner of Section 32, Township 2 South, Range 1 West, Willamette Meridian; thence West along the South line of said Section 32 660 feet; thence North 1,320 feet to the easterly prolongation of the centerline of Wilsonville Road (C.R. 341); thence West along said centerline of Wilsonville Road 165 feet; thence North $13^{\circ}15'$ East 1,008 feet; thence South $88^{\circ}21'$ West 593.05 feet; thence North 330 feet to the easterly prolongation of the centerline of S.E. Division Street; thence North $88^{\circ}21'$ East 139.42 feet along said centerline of S.E. Division Street; thence North 338.25 feet; thence South $89^{\circ}53'50''$ East 280.20 feet; thence North $0^{\circ}25'08''$ East 350.84 feet; thence South $89^{\circ}54'45''$ East 170.00 feet; thence South $0^{\circ}05'15''$ West 45.00 feet to the Initial Point of April Meadows No. 2; thence South $89^{\circ}54'45''$ East 150.00 feet to the East line of S.E. Flower Street; thence North $0^{\circ}15'15''$ East 35.00 feet; thence South $89^{\circ}54'45''$ East 100.00 feet to the Southeast corner of Lot 38 of said April Meadows No. 2; thence North $0^{\circ}05'15''$ East 90.00 feet; thence South $89^{\circ}54'45''$ East 260.00 feet to the Southeast corner of Lot 44 of April Meadows No. 2; thence North $0^{\circ}05'15''$ East 240.00 feet; thence North $39^{\circ}21'27''$ West 126.44 feet; thence North $86^{\circ}16'45''$ West 80.72 feet; thence North $30^{\circ}35'15''$ East 70.39 feet to the southerly line of E. Willamette Street; thence North $2^{\circ}03'54''$ West 88.50 feet to the northerly line of E. Willamette Street; thence North $43^{\circ}45'08''$ East 100.00 feet; thence North $37^{\circ}59'45''$ West 80.00 feet; thence North $63^{\circ}00'00''$ West 78.00 feet; thence North $75^{\circ}36'35''$ West 72.00 feet; thence North $72^{\circ}00'00''$ West 72.00 feet; thence North $62^{\circ}00'00''$ West 65.00 feet; thence North $48^{\circ}00'00''$ West 65.00 feet to the Initial Point of G&T Terrace; thence North $0^{\circ}28'00''$ East 1,084.30 feet to the

EXHIBIT A, Cont'd.

Legal Description
Rock Creek Water and Sewer LID Boundary
Page 2

Initial Point of Sherwood Acres and the centerline of S.W. Tualatin-Sherwood Road (C.R. No. 954); thence North $89^{\circ}59'00''$ West 153.46 feet along said centerline; thence North $0^{\circ}01'00''$ West 885.50 feet to the southeasterly right-of-way line of the Southern Pacific Railroad; thence South $47^{\circ}49'00''$ West 318.10 feet along said right-of-way line; thence South $29^{\circ}09'00''$ East 16.00 feet; thence South $47^{\circ}49'00''$ West 979.11 feet to the South line of Section 29, Township 2 South, Range 1 West, Willamette Meridian; thence West along the South line of said Section 29 to a point 909.01 feet West of the quarter corner on the South line of Section 29; thence North 515.50 feet; thence North $89^{\circ}36'00''$ West 1,295.49 feet; thence North 493.90 feet; thence North $89^{\circ}50'00''$ West 420 feet more or less to the centerline of North Sherwood Blvd.; thence northerly along the centerline of North Sherwood Blvd. to a point located 770.00 feet South of the quarter corner on the West line of Section 29; thence East 874.50 feet; thence North 790 feet more or less to the northerly right-of-way line of S.W. Edy Road (C.R. No. 1070); thence West and northwesterly along the northerly right-of-way line of S.W. Edy Road to the southeasterly right-of-way line of S.W. Pacific Highway (99W); thence northeasterly along the southeasterly right-of-way line of S.W. Pacific Highway to the North line of Section 29; thence East along the North line of Section 29 610 feet more or less to the northerly extension of the West line of that tract of land conveyed to Richard Cereghino by Deed Book 281, Page 85; thence South along said northerly extension and the West line of above tract to the center line of S.W. Edy Road being also the Unified Sewerage Agency Boundary line; thence along said Unified Sewerage Agency Boundary and the centerline of S.W. Edy Road 1,550 feet more or less; thence northeasterly along the Unified Sewerage

EXHIBIT A, Cont'd.

Legal Description
Rock Creek Water and Sewer LID Boundary
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Agency Boundary line 3,950 feet more or less to a point on the North line of Section 28, Township 2 South, Range 1 West, Willamette Meridian, said point being 2,450 feet more or less East of the Northwest corner of Section 28; thence East along the section line 1,250 feet more or less to the center of S.W. Herman Road; thence southeasterly along said center line to the center of S.W. Tualatin-Sherwood Road; thence westerly and southwesterly along S.W. Tualatin-Sherwood Road 1,950 feet more or less to the northerly extension of the center line of S.W. Dahlke Lane; thence South along said center line 592.4 feet; thence South $83^{\circ}16'00''$ West 419.10 feet; thence North $5^{\circ}28'00''$ West 246.4 feet to the center line of S.W. Tualatin-Sherwood Road; thence southwesterly along said center line to the northerly extension of the center line of S.W. Tonquin Road; thence southeasterly along said center line to the North South center line of the Northwest quarter of Section 33, Township 2 South, Range 1 West, Willamette Meridian; thence South along said North South line of said Section 33 to a point on the South line of said Section 33; thence West along the South line of Section 33 660 feet more or less to the point of beginning.

RESOLUTION OF
CITY OF SHERWOOD

190

ROCK CREEK WATER AND SEWER
LOCAL IMPROVEMENT DISTRICT

March 14, 1979

A RESOLUTION OF INTENTION TO FORM A LOCAL IMPROVEMENT DISTRICT FOR THE PURPOSE OF CONSTRUCTING WATER AND SEWER SYSTEM IMPROVEMENTS PARTIALLY WITHIN AND PARTIALLY OUTSIDE THE CORPORATE LIMITS OF THE CITY OF SHERWOOD; STATING THE LOCATION OF SAID IMPROVEMENTS; DESCRIBING THE BOUNDARIES OF THE PROPOSED DISTRICT; DESCRIBING THE CHARACTER OF THE IMPROVEMENTS TO BE CONSTRUCTED; STATING THE ESTIMATED COST OF SUCH IMPROVEMENTS; PRESCRIBING A TIME AND PLACE FOR HEARING OF OBJECTIONS, IF ANY, THERETO, AND PROVIDING FOR THE PUBLISHING OF NOTICE OF SAID HEARING.

WHEREAS, pursuant to Chapter XVII of the Charter of the City of Sherwood, Oregon, and Chapter 224.010 et seq., O.R.S., the City Council deems it necessary for the public health and benefit of the area described to install sanitary sewer trunk lines, sanitary sewer laterals, water distribution lines; and other appurtenant facilities for servicing properties within the local improvement district boundaries hereinafter described, and

WHEREAS, said sewer lines and laterals will benefit locally only a portion of all the properties within the City of Sherwood and will specially benefit certain properties located outside the City of Sherwood, and the cost of said construction, therefore, should be assessed to the properties benefited pursuant to Section 213, Chapter XVII of the Charter of the City of Sherwood and Chapter 224.010 et seq., O.R.S., and

WHEREAS, said water distribution lines and other appurtenant facilities will benefit locally only a portion of all properties within the City of Sherwood and the cost of said construction, therefore, should be assessed to the properties benefited pursuant to Section 213, Chapter XVII of the Charter of the City of Sherwood, and

WHEREAS, the boundaries of the proposed local improvement district are as described in Exhibit A attached hereto and by this reference made a part hereof; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SHERWOOD:

Local Improvement District to provide water and sewer system improvements for the benefit of properties within said District.

(2) That the sewer system improvements shall include:

- a. 10, 15, and 18-inch trunk sewers extending from the Frontier Leather Company sewage pumping station to the Rock Creek crossing of Pacific Highway 99W;
- b. approximately 13,000 lineal feet of 8 and 10-inch lateral sewer lines;
- c. service connections, tees, and manholes;
- d. highway, railroad, and creek undercrossings;
- e. connections to existing facilities;
- f. clearing, grubbing, excavation, backfill, and surface restoration related to said sewer system improvements.

(3) That the water system improvements shall include:

- a. approximately 10,900 lineal feet of 12-inch ductile iron pipe water line in S.W. Tualatin-Sherwood Road, S.W. Edy Road, and S.W. Murdock Road;
- b. fire hydrants, valves, and fittings;
- c. excavation, backfill, and surface restoration related to said water system improvements.

(4) That the estimated cost to be assessed for the improvements hereinabove described is as follows:

Sewer system improvements	\$	819,000
Water system improvements		<u>357,500</u>

Total: \$ 1,176,500

(5) That a public hearing be, and the same is hereby called to be held in the City Hall of Sherwood, on the ^{11th of April} ~~28th day of March~~, 1979, at the hour of 8:00 p.m. for the purpose of hearing objections, if any, to the proposal herein set forth.

(6) That at any time prior to said hearing and up to the hour specified herein, the owner or owners of any property in such proposed Rock Creek Water and Sewer Local Improvement District liable for the costs of constructing said improvements or any part thereof, may file with the Recorder of the City of Sherwood a written remonstrance against construction of said improvements, and any and all such remonstrances shall be heard on the said date and time, or at a subsequent date which may be fixed by adjournment.

(7) The Recorder of the City of Sherwood shall cause to have this Resolution of Intention to be published in The Tigard Times for two consecutive issues prior to said hearing, and three copies hereof shall, not less than ten (10) days prior to said hearing, be posted by the Recorder of the City of Sherwood in three public and conspicuous places within the said proposed Rock Creek Water and Sewer Local Improvement District.

(8) That the City Recorder be, and she is hereby, directed to record the date and place of posting of each of said notices and shall file in the Recorder's records proof of said publishings and postings by affidavit.

EXHIBIT B, Cont'd.

PASSED by the City Council of Sherwood, at its meeting
of March 14, 1979.

Marjorie Stewart
Mayor

ATTEST:

Polly Blankenbaker
Recorder

EXHIBIT B, Cont'd.

~~Exhibit A~~

LEGAL DESCRIPTION OF BOUNDARY OF
PROPOSED ROCK CREEK WATER AND SEWER
LOCAL IMPROVEMENT DISTRICT

Beginning at the Southeast corner of Section 32, Township 2 South, Range 1 West, Willamette Meridian; thence West along the South line of said Section 32, 1,981.32 feet to the City Limits of the City of Sherwood; thence North along the City Limits' line 2,310.00 feet; thence North $88^{\circ}21'00''$ East 338.77 feet; thence North 330.00 feet to the centerline of S.E. Division Street; thence North $88^{\circ}21'00''$ East 318.50 feet along said centerline of S.E. Division Street; thence North 338.25 feet; thence South $89^{\circ}53'50''$ East 280.20 feet; thence North $0^{\circ}25'08''$ East 350.84 feet; thence South $89^{\circ}54'45''$ East 170.00 feet; thence South $0^{\circ}05'15''$ West 45.00 feet to the Initial Point of April Meadows No. 2; thence South $89^{\circ}54'45''$ East 150.00 feet to the East line of S.E. Flower Street; thence North $0^{\circ}15'15''$ East 35.00 feet; thence South $89^{\circ}54'45''$ East 100.00 feet to the Southeast corner of Lot 38 of said April Meadows No. 2; thence North $0^{\circ}05'15''$ East 90.00 feet; thence South $89^{\circ}54'45''$ East 260.00 feet to the Southeast corner of Lot 44 of April Meadows No. 2; thence North $0^{\circ}05'15''$ East 240.00 feet; thence North $39^{\circ}21'27''$ West 126.44 feet; thence North $86^{\circ}16'45''$ West 80.72 feet; thence North $30^{\circ}35'15''$ East 70.39 feet to the southerly line of E. Willamette Street; thence North $2^{\circ}03'54''$ West 88.50 feet to the northerly line of E. Willamette Street; thence North $43^{\circ}45'08''$ East 100.00 feet; thence North $37^{\circ}59'45''$ West 80.00 feet; thence North $63^{\circ}00'00''$ West 78.00 feet; thence North $75^{\circ}36'35''$ West 72.00 feet; thence North $72^{\circ}00'00''$ West 72.00 feet; thence North $62^{\circ}00'00''$ West 65.00 feet; thence North $48^{\circ}00'00''$ West 65.00 feet to the Initial Point of G&T Terrace; thence North $0^{\circ}28'00''$ East 1,084.30 feet to the

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