

CITY OF SHERWOOD
ORDINANCE NO. 761

AN ORDINANCE RATIFYING RESOLUTION NO. 223 PASSED BY THE CITY COUNCIL ON OCTOBER 14, 1981, WITH RESPECT TO THE CEDAR CREEK SANITARY SEWER LOCAL IMPROVEMENT DISTRICT, ADOPTING FINDINGS WITH RESPECT TO THE HEARING HELD THEREON, FORMING THE DISTRICT, DIRECTING THE PREPARATION OF CONSTRUCTION PLANS AND SPECIFICATIONS, AND DIRECTING THAT BIDS BE OBTAINED FOR SAID CONSTRUCTION, AND DECLARING AN EMERGENCY

WHEREAS, pursuant to Ordinance No. 738 of the City of Sherwood, a resolution of intent to form the Cedar Creek Sanitary Sewer Local Improvement District, Resolution No. 223 was enacted by the Sherwood City Council on October 14, 1981; and

WHEREAS, pursuant to said resolution a public hearing was held by the City Council on November 4, 1981, after due and legal notice to affected property owners;

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

Section 1. The intention to form the Rock Creek Sanitary Sewer Local Improvement District as set forth in Resolution No. 223 of the City Council is hereby ratified and approved, the City Council finding that there were insufficient remonstrances to preclude formation of the proposed district and making of the proposed improvements, and the Council finding that said improvements are convenient, necessary to the public health and safety, and beneficial to the affected lots and parts of lots within the district.

Section 2. The Cedar Creek Sanitary Sewer Local Improvement District is hereby formed and the boundaries thereof are hereby declared and fixed in accordance with the legal description set forth in Exhibit A, hereafter described and incorporated herein.

Section 3. The Council finds, after consideration of public testimony received at the hearing on November 4, 1981, and after consideration by the Council of the proposed improvements and benefits to be received therefrom by the benefited properties, at its meetings of December 9, 1981 and January 13, 1982, that the engineer's report, dated October 5, 1981 and revised January 5, 1982, should be and is hereby ratified and approved, and that the City Council should and does hereby adopt as most equitable and in accordance with special and peculiar benefits to lots and parts of lots within the improvement district the engineer's recommendation on assessment methodology set forth in the engineer's letter and revised report dated January 5, 1982, attached hereto, marked Exhibit A and by this reference incorporated herein.

Section 4. The City Council, having acquired jurisdiction to order the improvements made, orders that the improvements described in the engineer's report and the resolution of intention previously passed by the Council be constructed, and orders that

final improvement plans, specifications, and contract documents be made and the work advertised for bid by qualified contractors.

Section 5. Inasmuch as it is necessary to the public health, safety and convenience that construction commence as soon as practical and without unnecessary delay, an emergency is hereby declared to exist and this ordinance shall become effective upon its passage by the Council and approval by the Mayor.

PASSED:

By the Council after being read in caption three times this 10 day of ~~January~~, 1982.

February

Polly Blankenbaker

Polly Blankenbaker
City Recorder

APPROVED:

By the Mayor this 10 day of February, 1982.

Clyde R. List

Clyde List
Mayor of the City of Sherwood

GARY M. BUFORD & ASSOCIATES, INC.

415 N. STATE STREET • P.O. BOX 1531 • LAKE OSWEGO, OREGON 97034 • PHONE (503) 635-3511

• consulting engineers
• land surveyors

January 5, 1982

Rec. No. L885.30

Mr. Tad L. Milburn
City Administrator
City of Sherwood
City Hall
Sherwood, Oregon 97140

RE: Engineer's Report
PROPOSED CEDAR CREEK SANITARY SEWER LOCAL IMPROVEMENT DISTRICT
Sherwood, Washington County, Oregon

Dear Mr. Milburn:

Pursuant to request of City Council, during their meeting of December 9, 1981, we have completed investigation on alternative assessment methods for the Cedar Creek Sanitary Sewer Local Improvement District. In addition we have re-evaluated the original assessment methodology as set forth in the Engineer's Report submitted to Council dated October 5, 1981. Included within this report is a summary on our investigation, and our recommendation to City Council on assessment methodology for the subject project.

ALTERNATIVE ASSESSMENT METHODS

On November 24, 1981 a public meeting was held to explain the basis of proposed methodology and answer questions relevant the project. We noted the general consensus among landowners outside City Limits was that their property should incur a lesser assessment rate than property inside the City. Evolving from this meeting were two (2) alternative methods suggested by the landowners as being more appropriate for the proposed improvement district. For this report those suggestions have been labeled as "Ratio Method" and "Oversize Cost Method". We have thoroughly examined both methods with Mr. Derryck Dittman, City Attorney. We find that both alternatives would substantially reduce estimated assessment on land presently outside City Limits while increasing the Type I and II Area Assessment for land within the City.

Ratio Method. The "Ratio Method", provides that a constant ratio of assessment rate between properties inside and outside City Limits must be pre-selected. Regardless of how carefully considered, selection of this ratio is arbitrary. In summary, it is our position that in developing an assessment methodology, arbitrary elements cannot be substantiated and thus, weaken the basis of the methodology.

Oversize Cost Method. Primary focus of the "Oversize Cost Method" is on location of the City Limit line. This political boundary itself is located by somewhat an arbitrary basis and has no general or permanent relevance to benefit received from the sewer system. Properties on either side of this line would be subject to extreme differences in assessment rate while physical access to the sanitary sewer system or benefit would be virtually the same.

In conclusion, we suggest neither of the proposed alternatives improve the correlation between actual benefit and assessment rate. Moreover, we foresee that both methods yield potential for producing substantially more inequity than equity in both the immediate and future sense. To our knowledge, neither alternative method has ever been employed in a local improvement district.

RECOMMENDATION ON ASSESSMENT METHODOLOGY

With regard the assessment methodology set forth in our Engineer's Report dated October 5, 1981, we acknowledge objections to it by landowners outside present City Limits of Sherwood. However, this method has been successfully employed on numerous improvement districts in the area. We maintain that this method, in general, is the most practical and equitable basis of assessment for the Cedar Creek Sanitary Sewer Local Improvement District.

We and the City Attorney concur to recommend the October 5 assessment methodology, slightly modified with regard Type I Area Assessment. In our previous report of October 5, 1981, we recommended application of Type I Area Assessment only to property within City Limits and within 200 feet of the proposed sanitary sewer. The modification would provide that all property within 200 feet of the proposed sanitary sewer be included within Type I Area Assessment category. Property subject to this modification consists of approximately 9.8 acres of land presently outside City Limits. We propose this modification from the standpoint of fairness and equity in consideration of physical assess to the sanitary sewer system. The City Limit line will not ultimately affect benefit received by property presently outside the City. The significant result of this modification will be a slight reduction in overall Type II assessment.

We have modified applicable portions of this report accordingly, and provide herewith for your consideration.

This report includes a boundary description and description of real property within the proposed District, estimated project cost, a recommended assessment methodology with estimated assessment rates, and a distribution of land areas within the Local Improvement District.

PROJECT DESCRIPTION

The enclosed drawing outlines the proposed Cedar Creek Sanitary Sewer Local Improvement District. In general, the L.I.D. boundaries were established by including all areas within Sherwood's Urban Growth Boundary that would be served by the Cedar Creek Trunk Sewer. The L.I.D. area includes approximately 550 acres of residential property, estimated to be approximately ninety-five percent (95%) undeveloped.

PRELIMINARY DESIGN

The proposed Cedar Creek Sanitary Sewer Local Improvement District consists of: Cedar Creek Trunk extending from the existing manhole south of Meinecke Road at Cedar Creek, southerly along the creek to Wilsonville

Road; West Villa Road Lateral (West), extending westerly from Cedar Creek Trunk, approximately 3,400 feet to City Limits; West Villa Road Lateral (East), extending easterly from Cedar Creek Trunk; Wilsonville Road Creek Lateral, extending westerly from Cedar Creek Trunk to Southern Pacific Company railroad right-of-way; and West Sunset Boulevard Lateral, from Cedar Creek Trunk, southerly and easterly to Sherwood Boulevard at Sunset Boulevard.

Preliminary alignment and pipe sizes of proposed sanitary sewer improvements are shown on the enclosed drawing. They are essentially as set forth in the Sewer Service Plan, element of Sherwood Comprehensive Plan, prepared by R.A. Wright Engineering. The improvements as shown include adequate capacity to serve all property within the Local Improvement District.

ASSESSMENT METHODOLOGY

The following assessment method is recommended for assessing the project cost:

Type I Area Assessment applies to all properties within 200 feet of a proposed sanitary sewer and which contain or abut a sanitary sewer. The Type I assessment rate is approximately \$3,950 per acre. This rate is calculated as the sum of two area costs. The "first area cost" is derived by dividing the lineal foot cost to construct 8-inch sanitary sewer, by a land area 400 feet wide, extending 200 feet on each side of the sewer. The "second area cost" is calculated by deducting the first area cost applied to total land area of Type I properties from the total project cost, and dividing the remaining cost by the total benefitted area within the District.

Type II Area Assessment applies to all remaining property within the Local Improvement District, outside the Type I Assessment Area. The Type II assessment rate is approximately \$670 per acre. This rate is the "second area cost" described above, under Type I Area Assessment.

Both rates include a proportionate share of the legal, administrative, engineering, and contingency costs. Allowance is provided for right-of-way acquisition within contingency costs.

Service connections: We recommend assessing actual construction cost to each property requesting sewer service connection.

The Sherwood Comprehensive Plan sets forth guidelines for development within the 100-year floodplain and floodway. Accordingly, we recommend that property within the 100-year floodway (as defined by the U.S. Army Corp of Engineers) be given a zero assessment because the use of these lands is severely restricted by development guidelines. Final determination of property subject to 100-year floodway will be based on final report documents of the recently completed study by U.S. Army Corp of Engineers.

A Summary of estimated project costs for Cedar Creek Sanitary Sewer

Local Improvement District is shown on Table "A". Approximate distribution of land areas within the District which may anticipate assessment is shown on Table "B".

Sincerely,



Gary R. Alm
Design/Engineer

GRA/ld

Enclosures

BOUNDARY DESCRIPTION for
CEDAR CREEK SANITARY SEWER
LOCAL IMPROVEMENT DISTRICT

January 8, 1982
October 8, 1981
Rec. No. L885.30

Beginning at the intersection of the east right-of-way line of South Sherwood Boulevard and the north right-of-way line of West Sunset Boulevard, said beginning point located in the northeast one-quarter of the southwest one-quarter of Section 32, Township 2 South, Range 1 West, Willamette Meridian, Washington County, Oregon; thence East along said north right-of-way line, 646 feet more or less to the southeast corner of SHERWOOD COUNTRY ESTATES; thence leaving said right-of-way line and along the east line of said SHERWOOD COUNTRY ESTATES, North, 798 feet more or less, to the northwest corner of Tax Lot 1000, Assessor Map No. 2S 1 32 CA; thence East, along the north line of said Tax Lot 1000, a distance of 313.5 feet more or less; thence South 49° West, 130 feet more or less; thence East, 33 feet more or less; thence South, 33 feet more or less; thence East, 402.5 feet more or less, to the northeast corner of said Tax Lot 1000 and the west right-of-way line of South Pine Street; thence South, along said right-of-way line, 448 feet more or less, to an intersection with the westerly prolongation of the south line of Tax Lot 905, Assessor Map No. 2S 1 32D; thence East, 223 feet to the southeast corner of said Tax Lot 905; thence North, along the east line of said Tax Lot 905, a distance of 82 feet more or less, to the south line of Tax Lot 903, Assessor Map No. 2S 1 32D; thence East along said south line, 127 feet more or less, to the southeast corner of said Tax Lot 903; thence North, along the east line of said Tax Lot 903 and the northerly prolongation thereof, 302 feet more or less, to the northeast corner of Tax Lot 901, Assessor Map No. 2S 1 32D; thence East, along the easterly prolongation of the north line of said Tax Lot 901, a distance of 330 feet more or less, to the east corporate boundary of the City of Sherwood; thence South, along said east line, 1980 feet more or less, to the south line of Section 32, Township 2 South, Range 1 West, Willamette Meridian; thence West, along said south line, 3300 feet more or less, to the southwest corner of said Section 32 and the southeast corner of Section 31; thence West, along the south line of said Section 31, a distance of 5450 feet more or less, to the easterly right-of-way line of Old Highway 99W, thence North, along said right-of-way line, 1970 feet more or less; thence northeasterly along said right-of-way line and the southeasterly right-of-way line of Pacific Highway, 1770 feet more or less, to the north line of Tax Lot 500, Assessor Map No. 2S 1 31B; thence East, along said

north line, 1912 feet more or less, to the north-south center section line of said Section 31; thence South, along said center section line, 150 feet more or less, to the northwest corner of Tax Lot 2000, Assessor Map No. 2S 1 31A; thence East, along the north line of said Tax Lot 2000, a distance of 660 feet more or less, to the west line of Tax Lot 2100, Assessor Map No. 2S 1 31A; thence North, along said west line, 320 feet more or less, to the northwest corner of said Tax Lot 2100; thence East, along the north line of said Tax Lot 2100, a distance of 660 feet more or less, to the northeast corner of said Tax Lot 2100; thence South, along the east line of said Tax Lot 2100, a distance of 525 feet more or less, to the north right-of-way line of West Villa Road; thence East, along said north right-of-way line, 900 feet more or less, to the west line of Tax Lot 1800, Assessor Map No. 2S 1 31A; thence North, along said west line, 340 feet more or less, to the northwest corner thereof; thence East, along the north line of said Tax Lot 1800, a distance of 130 feet more or less, to the northeast corner thereof; thence South, along the east line of said Tax Lot 1800, a distance of 193 feet more or less, to an angle point in the east line of said Tax Lot 1800; thence East, 290 feet more or less, to the east line of said Section 31; thence North, along said east line, 103 feet more or less, to the northwest corner of Tax Lot 6500, Assessor Map No. 2S 1 32BC; thence East, along the north line of said Tax Lot 6500, a distance of 705 feet more or less, to the northeast corner of Tax Lot 6600, Assessor Map No. 2S 1 32BC; thence Southerly, along the east line of said Tax Lot 6600, a distance of 259 feet more or less, to the north right-of-way line of West Villa Road; thence Easterly, along said right-of-way line, 85 feet more or less, to an angle point in said road right-of-way; thence Southeasterly, 23 feet more or less, to the most westerly corner of Tax Lot 5800, Assessor Map No. 2S 1 32BC; thence East, along the south line of said Tax Lot 5800, a distance of 93.6 feet more or less, to the northwesterly right-of-way line of Southern Pacific Railroad; thence East-Southeasterly, 73 feet more or less, to the north line of Tax Lot 6800, Assessor Map No. 2S 1 32BC and the southeasterly right-of-way line of Southern Pacific Railroad; thence East, along the North line of said Tax Lot 6800, a distance of 80 feet more or less, to the northeast corner thereof; thence South, along the east line of said Tax Lot 6800, a distance of 407 feet more or less, to the north right-of-way line of Division Street, a thirty-three foot right-of-way; thence East, along

BOUNDARY DESCRIPTION for
CEDAR CREEK SANITARY SEWER L.I.D.
October 8, 1981, January 8, 1982
Page - 3 -

the north line of said Division Street, 45 feet more or less, to a point of intersection with the northerly projection of the west line of Tax Lot 2400, Assessor Map No. 2S 1 32C; thence South, along said west line, 710 feet more or less, to the north line of Tax Lot 1700, Assessor Map No. 2S 1 32C; thence West, along the north line of said Tax Lot 1700, a distance of 11.5 feet more or less, to a point of intersection with the northerly projection of the west line of Tax Lot 1891, Assessor Map No. 2S 1 32C; thence South, along said west line, 235 feet more or less, to the north line of Tax Lot 1301, Assessor Map No. 2S 1 32C; thence East, along the north line of said Tax Lot 1301, a distance of 203 feet more or less, to the westerly right-of-way line of South Sherwood Boulevard, a fifty foot right-of-way; thence South, along said right-of-way line, 366 feet more or less, to the north right-of-way line of Southwest Sunset Boulevard, a 60 foot right-of-way; thence East-Northeasterly, 52 feet more or less to the POINT OF BEGINNING.

*Note: Tax lot No.'s per Assessor Maps of November 14, 1980.

Rec. No. L885.30
October 5, 1981
January 8, 1982

DESCRIPTION OF REAL PROPERTY
Within the Proposed
CEDAR CREEK SANITARY SEWER
Local Improvement District

Assessor Map 2S 1 31B

Tax lot 500

Assessor Map 2S 1 31A

Tax Lot 2000

2100

2090

2201

1800

2200

Assessor Map 2S 1 32BC

Tax Lot 6500

6600

6700

6800

Assessor Map 2S 1 31D

Tax Lot 100

200

300

400

401

402

500

501

502

503

504

505

506

507

508

Rec. No. L885.30
October 5, 1981
January 8, 1982

Assessor Map 2S 1 31D(Continued)

Tax Lot 600
700
800
900

Assessor Map 2S 1 32C

Tax Lot 1600
1900 : Westerly 420 feet, approximately
1800 ; Westerly 420 feet, approximately
1700 ; Westerly 410 feet, approximately
1301
2500
2501
2600
2601
2602
2603
2604
2800
2900
3000
3001
3002
3003

Assessor Map 2S 1 32CA

Tax Lot 1000
800
900

Assessor Map 2S 1 32D

Tax Lot 400 ; Southwesterly part of Tax Lot, Approximately 5
acres, abutting Sunset Blvd. and within City Limits
900
908

Rec. No. L885.30
October 5, 1981
January 8, 1982

Description of Real Property
within the Proposed
Cedar Creek Sanitary Sewer
Local Improvement District
Page -3-

Assessor Map 2S 1 32D (Continued)

Tax Lot 907
906
2100
2101
2102
2103
2200

Assessor Map 2S 1 31C

Tax Lot 100
101
102
103
200
300
400
401
500
600
700
703

Assessor Map 2S 1 31CC

Tax Lot 100
200
300
400
500
501
502
600
700
800
900

*Note: Assessor map and tax lot information
was provided by the City of Sherwood,
dated November 14, 1980.

Rec. No. L885.30
October 5, 1981
January 8, 1982

TABLE "A"

SUMMARY OF ESTIMATED PROJECT COSTS
CEDAR CREEK SANITARY SEWER LOCAL IMPROVEMENT DISTRICT
SHERWOOD, OREGON

<u>ITEM</u>	<u>QUANTITY</u>	<u>COST</u>	
Cedar Creek Trunk			
18-inch sewer	2,200 linear feet	\$103,600	
15-inch sewer	530 linear feet	22,000	
12-inch sewer	800 linear feet	30,200	
Southern Pacific Railroad Crossing		<u>25,800</u>	
			\$181,600
West Villa Road Lateral (West)			
8-inch sewer	1,680 linear feet	\$ 40,600	
8-inch sewer (Granular Backfill)	150 linear feet	4,600	
8-inch sewer (Granular Backfill with Pavement repair)	1,600 linear feet	<u>53,900</u>	
			99,100
West Villa Road Lateral (East)			
8-inch sewer (Granular Backfill with pavement repair)	480 linear feet	<u>\$ 14,500</u>	
			14,500
Wilsonville Road Creek Lateral			
12-inch sewer	650 linear feet	<u>\$ 24,500</u>	
			24,500
Sunset Road Lateral			
12-inch sewer	450 linear feet	\$ 17,000	
10-inch sewer	580 linear feet	17,100	
8-inch sewer (Granular Backfill with Pavement repair)	1,100 linear feet	<u>37,100</u>	
			<u>71,200</u>
Subtotal			390,900
Service Connections & Miscellaneous (Allowance)			<u>39,100</u>
PROJECT SUBTOTAL			\$430,000
*Legal, Engineering and Contingency (30%)			<u>129,000</u>
PROJECT TOTAL COST			<u>\$559,000</u>

*Right-of-way acquisition included in contingency cost.

Rec. No. L885.30
 October 5, 1981
 January 8, 1982

TABLE "B"
 DISTRIBUTION OF LAND AREAS
 WITHIN LOCAL IMPROVEMENT DISTRICT

	TYPE I LAND AREA ACRES (Approximately)	TYPE II LAND AREA ACRES (Approximately)
Assessor Map 2S 1 31B		
Tax Lot 500	4.1	34.87
Assessor Map 2S 1 31A		
Tax Lot 2000	6.9	3.1
2100	5.3	7.2
2090	-0-	2.5
2201	1.00	1.05
1800	0.75	0.48
2200	6.0	5.45
Assessor Map 2S 1 32BC		
Tax Lot 6500	2.6	0.3
6600	0.64	0.20
6700	4.6	2.6
6800	-0-	2.37
Assessor Map 2S 1 31D		
Tax Lot 100	-0-	9.5
200	11.7	11.2
300	-0-	19.91
400	-0-	9.77
401	-0-	4.81
402	-0-	4.97
500	-0-	16.42
501	-0-	15.00
502	-0-	6.3
503	0.4	15.6
504	-0-	7.6
505	0.1	0.7
506	-0-	0.3
507	-0-	2.10
508	-0-	1.87
600	-0-	1.26
700	-0-	0.85
800	-0-	0.66
900	-0-	0.72
Assessor Map 2S 1 32C		
Tax Lot 1600	8.7	9.7
1900	-0-	4.1
1800	-0-	2.5
1700	-0-	2.2
1301	3.0	2.0

Rec. No. L885.30
 October 5, 1981
 January 8, 1982

		TYPE I LAND AREA ACRES <u>(Approximately)</u>	TYPE II LAND AREA ACRES <u>(Approximately)</u>
Assessor Map 2S 1 32C (Continued)			
Tax Lot	2500	2.7	11.37
	2501	-0-	5.00
	2600	-0-	0.10
	2601	-0-	0.72
	2602	-0-	0.51
	2603	2.5	2.6
	2604	-0-	0.61
	2800	-0-	0.28
	2900	-0-	0.73
	3000	1.2	41.1
	3001	-0-	1.31
	3002	-0-	0.92
	3003	-0-	4.39
Assessor Map 2S 1 32CA			
Tax Lot	1000	-0-	11.00
	800	-0-	0.36
	900	-0-	0.02
Assessor Map 2S 1 32D			
Tax Lot	400	-0-	4.8
	900	-0-	1.23
	908	-0-	0.16
	907	-0-	0.34
	906	-0-	0.34
	2100	-0-	1.43
	2101	-0-	3.31
	2102	-0-	2.94
	2103	-0-	1.78
	2200	-0-	10.24
Assessor Map 2S 1 31C			
Tax Lot	100	-0-	4.82
	101	-0-	13.30
	102	-0-	11.20
	103	-0-	9.77
	200	-0-	39.79
	300	-0-	0.56
	400	-0-	2.92
	401	-0-	1.59
	500	-0-	0.48
	600	-0-	0.83
	700	-0-	51.5
	703	-0-	3.71

Rec. No. L885.30

October 5, 1981

January 8, 1982

		TYPE I LAND AREA ACRES <u>(Approximately)</u>	TYPE II LAND AREA ACRES <u>(Approximately)</u>
Assessor Map 2S 1 31CC			
Tax Lot	100	-0-	1.73
	200	-0-	0.32
	300	-0-	1.57
	400	-0-	1.8
	500	-0-	4.36
	501	-0-	5.18
	502	-0-	4.30
	600	-0-	2.1
	700	-0-	2.0
	800	-0-	1.2
	900	-0-	1.5