

ORDINANCE NO. 2021-01

ORDINANCE SPECIFYING THE ASSESSMENTS TO BE MADE ON PROPERTIES SPECIALLY BENEFITED BY THE CONSTRUCTION OF CERTAIN SANITARY SEWER IMPROVEMENTS WITHIN 10TH AVENUE RIGHT OF WAY; SETTING ONE HUNDRED TWENTY (120) MONTH PERIODS FOR INSTALLMENT PAYMENTS; SETTING THE FINANCING RATE AT THREE POINT SEVEN THREE PERCENT (3.73%); DECLARING AN EMERGENCY

WHEREAS, the City Council, by its adoption of Resolution No. 2020-87 on September 14, 2020, created the 10th Avenue Sewer special improvements district (SID) for construction of a sewer main and four individual service laterals within 10th Avenue right of way beginning at Elm Street and ending at its easterly terminus; and

WHEREAS, the City Council, through the adoption of Resolution 2020-87, set the repayment terms for payment of assessments for the sewer improvements under the special improvement district; and

WHEREAS, the City Council has now received an assessment report from the Director of Public Works and the share of the costs attributable to the special improvement district has been set by the report to be \$174,298.08; and

WHEREAS, the City Recorder in compliance of applicable provisions of City Code, sent notice to each affected property owner of record the necessary information and has received zero timely objections to the assessments; and

WHEREAS, the City Council has held a duly-noticed Public Hearing on May 10, 2021, and reviewed any objections received by the City Recorder and has determined that the methodology adopted by Resolution No. 2020-87 was a fair, just and appropriate approach to determine the assessments.

NOW, THEREFORE, THE CITY OF FOREST GROVE ORDAINS AS FOLLOWS:

Section 1. The City Council has determined that the total cost noted above (\$174,298.08) for the construction of the improvements is to be borne by the properties specially benefited thereby.

Section 2. The final assessment for each property is shown on the Assessment Roll attached hereto as Exhibit "A". The assessments are spread consistent with the methodology approved by Council Resolution 2020-87.

Section 3. For all benefited properties, the installment period will be 120 months (10 years) at an interest rate of three point seven three percent (3.73%) with the first payment due by July 1, 2021, with payments due and payable on the 1st of each month for a period of one hundred nineteen (119) months, with no pre-payment penalty.

Section 4. Payments are deemed delinquent if not received by the due date and are subject to a late fee as established by the City.

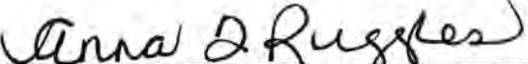
Section 5. The assessments paid over the period described above shall be listed in the City's lien docket and if unpaid (together with accrued and unpaid interest and penalties) are a lien in favor of the City as set out in ORS 223.230. Liens shall be adjusted for penalties assessed for delinquent payments.

Section 6. Within ten (10) days of the adoption of this ordinance, the City Recorder shall send notice of assessment to each property owner shown on the Assessment Roll and publish notice of the assessment in the newspaper in accordance with provisions of City Code.

Section 7. So the assessments can be timely filed with the County, the City Council hereby declares that an emergency exists, and this ordinance is and shall be effective from and after its passage by the Council.

PRESENTED AND PASSED the first reading the 10th day of May, 2021.

PASSED the second reading this 10th day of May, 2021.



Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 10th day of May, 2021.



Peter B. Truax, Mayor

ORDINANCE NO. 2021-01
EXHIBIT "A"

10th Avenue Sewer SID Assessment Roll:

Tax Lot Number	Address	Property Owner	Amount of Final Assessment
1S306DB08600	2516 10 th Ave.	Ward, Willis & Felicia	\$43,574.27
1S306DB08800	2530 10 th Ave.	Jeff's Adventures LLC	\$43,574.27
1S306DB08701	2538 10 th Ave.	Jeff's Adventures LLC	\$43,574.27
1S306DB09905	2542 10 th Ave.	Sharp, David G. & Sharon K.	\$43,574.27
			\$174,298.08

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A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>6.</u>
MEETING DATE:	<u>05/10/2021</u>
FINAL ACTION:	<u>FIRST/SECOND READING ORD 2021-01 EMERGENCY</u>

CITY COUNCIL STAFF REPORT

TO: *City Council*

FROM: *Jesse VanderZanden, City Manager*

PROJECT TEAM: *Gregory H. Robertson, P.E., AICP, CFM
Director of Public Works*

MEETING DATE: *May 10, 2021*

SUBJECT TITLE: *10th Avenue Sewer SID Final Assessment Report*

ACTION REQUESTED:

<input checked="" type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input type="checkbox"/>	Resolution	<input type="checkbox"/>	Motion	<input type="checkbox"/>	Informational
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X all that apply

ISSUE STATEMENT: Receive 10th Avenue Sewer Special Improvement District (SID) Final Assessment Report and consider an emergency ordinance to spread assessments in compliance of applicable provisions of City Code 151.087-151-090.

BACKGROUND: In September, 2020 the City Council adopted Resolution No. 2020-87 establishing a SID to construct sewer improvements within 10th Avenue right of way beginning at Elm Street and ending at its easterly terminus. The project was requested and supported by all the property owners. The project was properly bid and awarded and work was completed in January 2021. The work was satisfactorily completed and accepted. Final costs are known and are attached in summary form. Copies of invoices/receipts are available for public inspection at the Engineering Office upon request.

The adopted resolution used equal assessments as the methodology. The special improvement district estimated budget was \$193,500. The actual incurred amount was \$174,297.08. Assuming equal assessments, each property within the district will be assessed a principle amount of \$43,574.27. Repayment will be made monthly for a period of ten (10) years using an interest rate of three point seven three percent (3.73%). The interest rate used is consistent with past City practice for districts of this nature. It is derived by taking the 10 year US Treasury bond yield at the time the ordinance was drafted plus 2%. The property owners within the district may pay the assessment within 10 days after the date of mailing of the notice or pay the assessment in full within 30 days after the date of the assessment ordinance. The first payment is due July 1, 2021.

In compliance of applicable provisions of City Code, notice was sent to each affected property owner of record. As of the date of this report, no objections have been filed.

At the conclusion of the Public Hearing on May 10, 2021, the Council shall:

- (1) Consider objections and may adopt, correct, modify, or revise the assessment against each lot in the district according to special and peculiar benefits accruing to it from the improvement; and
- (2) By ordinance, spread the assessment.

FISCAL IMPACT: The fiscal impact is \$174,297.08 spread over a period of 10 years using equal assessments plus interest at the rate of three point seven three percent (3.73%). Because of the small size of the district, funds have been advanced out of the sewer fund instead of selling bonds.

STAFF RECOMMENDATION: Staff recommends City Council consider adopting an emergency ordinance so the City Recorder can file the assessments in a timely manner in compliance with applicable provisions of City Code.

ATTACHMENTS:

- Ordinance (first and second reading declaring an emergency) & Exhibit A

ORG	OBJECT	DESCRIPTION	YEAR	EFF DATE	REF1	PO/REF2	CHECK NO
6205410	7125	Sewer Construction	2021	02/09/2021	013244		349687
6205410	7125	Sewer Construction	2021	02/09/2021	013242		349740
6205410	7125	Sewer Construction	2021	02/09/2021	013242		349740
6205410	7125	Sewer Construction	2021	01/25/2021	FG PR	FG PermRec	0
6205410	7125	Sewer Construction	2021	01/12/2021	010933		349471
6205410	7125	Sewer Construction	2021	10/31/2020	010143		348856
6205410	7125	Sewer Construction	2021	10/20/2020	012458		348813
6205410	7125	Sewer Construction	2021				
			2021				

VDR NAME/ITEM DESC	COMMENTS	AMOUNT
JEFF'S ADVENTURES LLC	WO 3527-10TH AVE SE EXT EXPS	\$ 12,537.60
TURNEY EXCAVATING	WO 3527-10TH AVE SE EXT	\$ 125,975.82
TURNEY EXCAVATING	WO 3527-10TH AVE SE EXT	\$ 6,906.02
	311-21-000054-57-PLM-11793-4	\$ 17,607.64
NORTHWEST SURVEYING INC	WO 3527; 10TH AVE SWR EXT CONS	\$ 2,500.00
DAILY JOURNAL OF COMMERCE	WO 3527; 10TH AVE SEWER EXT; I	\$ 432.00
WILLAMETTE PRINT & BLUEPRINT CO INC	10TH AVE SEWER EXT/WO 3527 - D	\$ 350.00
MAI CIVIL ENGINEERING, PC	CIVIL ENG SVCS	\$ 1,875.00
BUREAU OF LABOR & INDUSTRIES	BOLI FEE FOR 10TH AVE SEWER EXT SID PROJ	\$ 250.00
	Derek's hours (33 @ \$143)	\$ 4,719.00
	Leo's hours (8 @ \$143)	\$ 1,144.00
		\$ 174,297.08



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**FOREST GROVE CITY COUNCIL
PUBLIC HEARING
NOTICE OF PROPOSED FINAL ASSESSMENT**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, May 10, 2021, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, as required by the terms of Forest Grove City Code Section 151.087, to consider adopting a proposed ordinance concerning the proposed final assessments for certain sewer improvements within 10th Avenue right-of-way (10th Avenue Sewer Special Improvement District (SID)). The proposed final assessments for each affected lot are as follows:

Tax Lot Number	Address	Property Owner	Amount of Final Assessment
1S306DB08600	2516 10 th Ave.	Ward, Willis & Felicia	\$43,574.27
1S306DB08800	2530 10 th Ave.	Jeff's Adventures LLC	\$43,574.27
1S306DB08701	2538 10 th Ave.	Jeff's Adventures LLC	\$43,574.27
1S306DB09905	2542 10 th Ave.	Sharp, David G. & Sharon K.	\$43,574.27
			\$174,298.08

The calculation of the proposed final assessment(s) was made consistent with the methodology adopted by the Forest Grove City Council at its meeting of September 14, 2020.

Owners of property within the SID who have objections to the proposed final assessment must present these objections in writing and set out the reason(s) for the objections with specificity. Those written objections must be received by 7:00 p.m. on May 10, 2021, prior to the Council's hearing on the proposed final assessment(s).

In the event a property owner elects not to pay the final assessment in whole within thirty (30) days after City Council certifies the final assessment(s), property owners will be offered to make monthly installment payments on the assessment(s). The installment period will be 120 months (10 years) at an interest rate of three point seven three percent (3.73%) with the first payment due by July 1, 2021, with payments due and payable on the 1st of each month for a period of one hundred nineteen (119) months, with no pre-payment penalty. The City Recorder shall enter into the lien docket a statement of the amount assessed on each lot and the amounts shall become liens and charges on the lots, parcels of land, or portions of land that have been assessed for improvement.

COVID-19: During the pandemic, all public meetings are held in a "hybrid" format allowing the public to attend meetings both virtual and in-person. The Community Auditorium is open and has limited availability and social distancing measures. The City Council encourages that written comments or testimony be submitted at the hearing or sent prior to the hearing to the attention of the City Recorder's Office, P.O. Box 326, 1924 Council Street, Forest Grove, OR 97116,

aruggles@forestgrove-or.gov. A copy of the staff report is available and published on the City's website at <https://www.forestgrove-or.gov/meetings>. To provide public testimony by Zoom Webinar, please email aruggles@forestgrove-or.gov at least 24 hours prior to the hearing.

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Anna D. Ruggles, CMC, City Recorder
City of Forest Grove

Notice Date: April 14, 2021(Mailed to all property owners within the District)
Publication Date: April 29, 2021 (NewsTimes)

Date: May 10, 2021

Agenda Item: 6.

Subject: PUBLIC HEARING AND FIRST AND SECOND READING OF ORDINANCE NO. 2021-01 SPECIFYING THE ASSESSMENTS TO BE MADE ON PROPERTIES SPECIALLY BENEFITED BY THE CONSTRUCTION OF CERTAIN SANITARY SEWER IMPROVEMENTS WITHIN 10TH AVENUE RIGHT OF WAY; SETTING ONE HUNDRED TWENTY (120) MONTH PERIODS FOR INSTALLMENT PAYMENTS; SETTING THE FINANCING RATE AT THREE POINT SEVEN THREE PERCENT (3.73%); DECLARING AN EMERGENCY

CITY COUNCIL MEETING

Request to Testify at Public Hearing

Public Hearings: Hearings are held on each matter required by state law or City policy. Sign in before the meeting on the Public Hearing form posted in the foyer. The presiding officer will review the hearing instructions prior to testimony. The presiding officer will call the individual or group by the name given on the sign-in form. When addressing the Council, please use the witness table (center front of the room), provide your full name and please limit your remarks to three (3) minutes unless the presiding officer grants an extension. Written or oral testimony is heard prior to any Council action. All testimony is electronically recorded. Written testimony may be submitted by 3:00 p.m. the day of the meeting to: CityCouncilors@forestgrove-or.gov.

Please sign-in below to testify:

PROPONENTS: *(Please print legibly)*

First & Last Name:

Address:

City, State & Zip Code:

OPPONENTS: *(Please print legibly)*

First & Last Name:

Address:

City, State & Zip Code:

OTHERS: *(Please print legibly)*

First & Last Name:

Address:

City, State & Zip Code:

Please continue on Page 2:

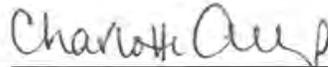
AFFIDAVIT OF PUBLICATION

State of Oregon, County of Washington, Clackamas, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am the Accounting Manager of the **News Times**, a newspaper of general circulation, serving Forest Grove in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

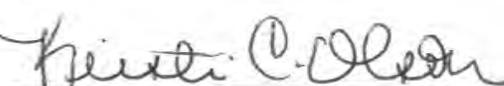
**City of Forest Grove
FOREST GROVE CITY COUNCIL PUBLIC HEARING
NOTICE OF PROPOSED FINAL ASSESSMENT**

Ad#: 199260

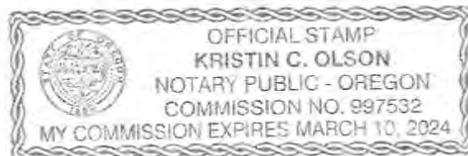
A copy of which is hereto annexed, was published in the entire issue of said newspaper(s) for 1 week(s) in the following issue(s):
04/29/2021


Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this 04/29/2021.


NOTARY PUBLIC FOR OREGON

Acct #: 104052
Attn: Anna D. Ruggles
FOREST GROVE, CITY OF
PO BOX 326
FOREST GROVE, OR 97116



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