

ORDINANCE NO. 4946

AN ORDINANCE TO DETERMINE THE ASSESSMENTS AGAINST THE PROPERTIES SPECIFICALLY BENEFITTED BY CURB AND GUTTER, SIDEWALK AND DRIVEWAY APPROACH IMPROVEMENTS FOR MS-90-1, WAVERLY DRIVE CURB AND GUTTER LOCAL IMPROVEMENT DISTRICT AND DECLARING AN EMERGENCY.

RECITALS:

1. The curb and gutter, sidewalk and driveway approach assessments as referred to in this ordinance and previous resolutions and ordinances are for the curb and gutters, sidewalk and driveway approach improvements to serve MS-90-1, Waverly Drive Curb & Gutter Local Improvement District.
2. Preliminary resolutions and ordinances prescribing the manner and extent of the improvements are set forth in Resolutions Nos. 3008, 2931, and 2920.
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 assessable costs of the curb and gutter, sidewalk and driveway approach improvements to serve MS-90-1, Waverly Drive Curb & Gutter Local Improvement District, are as follows:

<u>Project</u>	<u>Interest &amp; Misc.</u>	<u>Construction Cost</u>	<u>5% E.L.A.</u>	<u>Assessable Total Cost</u>
MS-90-1	0	\$8,7660.87	\$438.04	\$9,198.91

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

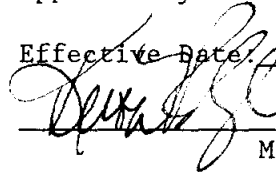
Section 3: The City Recorder is hereby directed to enter a statement of the assessments as above provided in the docket of the City liens and give notice thereof as provided by law.

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: January 23, 1991

Approved by the Mayor: January 24, 1991

Effective Date: January 23, 1991

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
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: January 17, 1991, for January 23, 1991, City Council Meeting

SUBJECT: Revised Final Engineer's Report  
MS-90-1, Waverly Drive Curb and Gutter LID

**Background:**

At the January 9, 1991, Public Hearing on the Final Engineer's Report for this project, two people raised questions regarding the final assessments proposed. This matter was referred to staff to contact each of them and attempt to resolve any issues remaining. Staff has contacted both parties and discussed their concerns with them. As a result, a slightly revised Final Engineer's Report is submitted for Council adoption.

**Discussion:**

Several questions were raised regarding the Estabrook property (Tax Lot 1403). They are as follows:

1. Property front footage - The property was incorrectly listed as having 60 feet of front footage at the district formation public hearing. The latest assessor's map has been revised to more clearly show the frontage of the property as 65.23 feet (60' + 5.23'). Refer to attached assessor's map, Attachment B. The revised Final Engineer's Report is based upon 65.2 feet of frontage.
2. Curb assessment for depressed curb section - It was explained to Betty Estabrook that, for the purposes of assessment, the portion of the new curb which was depressed to provide for access at her driveway was considered curb just like the normal raised curb in front of the rest of her property. The revised Final Engineer's Report does not change the curb assessment for this property.
3. Sidewalk to the house - 3.5 square yards of sidewalk were constructed perpendicular to the street, from the curb line to join the existing sidewalk to the house. The proposed assessment for this work was \$53.55. A similar sidewalk of 1.4 square yards was also constructed adjacent to the Engstrom property (Tax Lot 1300). The remainder of this side of the street was constructed without sidewalks. Because these sections of sidewalk do not serve the normal function of a public sidewalk, they probably should not have been constructed unless requested by the property owner. The Final Engineer's Report has been amended to eliminate the sidewalk assessment for this property.

Mr. Henshaw, a neighbor and former owner, questioned the frontage assessment proposed for the Engstrom property (Tax Lot 1300). His question focused upon whether or not

the Engstrom property was being assessed for the curb return at Salem Avenue, which he believed had been previously assessed when Salem Avenue was built. A discussion follows:

Staff has researched the previous assessment district for Salem Avenue and found that Tax Lot 1300 was assessed for its full frontage of 122.7 feet along Salem Avenue and was not specifically assessed for any extra footage of curb return or other curbing along Waverly Drive.

Assessment district projects are generally assessed on the basis of benefit, usually by front footage, area, or a combination of footage and area. With each project there are certain elements which are necessary, but which cannot be identified as benefitting any one parcel more than any other. These types of items include catch basins, manholes, curb returns at intersections, and other similar improvements. These types of items are included in the total project cost to be assessed against all properties.

In the case of the current Local Improvement District, curb return work was done at several corners. However, Linn County did not charge the project for the replacement of existing curb returns; thus, only the new curb return work done at the northwest corner of Pacific and Waverly Drive and the southwest corner of 4th Ave. and Waverly Drive was charged against the project. The total footage of curb and gutter for this charged curb return work was 41.6 linear feet. For this district, all properties were assessed for curb and gutter for their frontage plus an amount equal to their proportioned share of the 41.6 feet of curb return. In the case of Tax Lot 1300, this proportioned share is equal to 4.98 feet. The revised Final Engineer's Report does not change the curb and gutter assessment for this property.

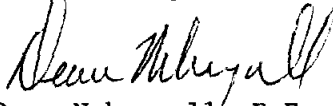
As previously mentioned, this property also had a small piece of sidewalk constructed perpendicular to the street to join the existing sidewalk to the house. The proposed sidewalk assessment for Tax Lot 1300 has been eliminated, reducing the total assessment for this property by \$21.42.

The revised proposed final assessments are delineated on the attached Property Data and Assessment sheet. A total of \$74.97 of sidewalk assessment has been removed from this project. We are proposing that proceeds from the County road agreement with the City be used to cover these reduced assessments.

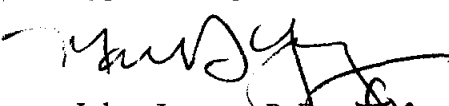
**Action Requested:**

It is requested that the Final Engineer's Report be approved and the attached assessment ordinance be adopted.

Respectfully submitted,

  
Dean Nebergall, P.E.  
Engineering Supervisor

Approved by,

  
John Joyce, P.E. *JJR*  
Public Works Director

PUBLIC WORKS DEPARTMENT  
Engineering/Utilities Division

REVISED FINAL ENGINEER'S REPORT  
MS-90-1, Waverly Drive Local Improvement District

(for January 23, 1991, City Council Meeting)

This project was initiated in response to a plan submitted by Linn County to reconstruct Waverly Drive from Pacific Boulevard to Salem Avenue

The portion of Waverly Drive was designed and constructed as part of their County Road Construction Program. The County funded the roadway and storm sewer costs. The proposed local improvement district provided funds for construction of 751.7 linear feet of concrete curb and gutters, 80 square yards of driveway approach, and 112.5 square yards of sidewalk.

There are nine parcels which will be assessed that benefitted from the improvements.

Project Details

This project was approved by City Council on May 9, 1990. The original engineer's estimate for the project cost to be assessed against benefitting property owners was \$8,048.25. The final assessable construction cost of the project is \$8,760.87.

Summary of Cost

Assessable Construction Cost	\$ 8,760.87
Engineering, legal, and administration (5% ELA)	<u>438.04</u>
Total cost assessed to property owners	\$9,198.91

Method of Assessment

The benefitting property owner will be assessed for the costs as described above per lineal foot for the curbs and gutters, and by the square yard for the sidewalk and driveway approach improvements. (See Property and Assessment Data Sheet, Attachment A.)

PROPERTY ASSESSMENT AND DATA SHEET  
MS-90-1, WAVERLY DRIVE CURB & GUTTER LID

ATTACHMENT A  
FINAL ENGINEER'S REPORT for JANUARY 23, 1991, COUNCIL MEETING

CITY OF ALBANY  
PUBLIC WORKS DEPARTMENT  
ENGINEERING/UTILITIES DIVISION

Property Owner	Address	Parcel	Property F.F.	Improvement						Subtotal	County/ City ELA 5%	Total Assessment	Cost Per Front Ft.
				Curb & Gutter \$7.13/L.F.		Driveway Appr. \$21.00/S.Y.		Sidewalk \$15.30/S.Y.					
				L.F.*	Cost	S.Y.	Cost	S.Y.	Cost				
Carl Engstrom	2720 Salem Ave., SE Albany, OR 97321	1300 11-3W-5DA	85	89.98	\$641.56	17.8	\$373.80	0.0	\$0.00	\$1,015.36	\$50.77	\$1,066.13	\$12.54
Billy D. Henshaw Merced E. Henshaw	170 Lake St., SE Albany, OR 97321	1800 11-3W-5DA	15	15.88	\$113.22	10.6	\$222.60	0.0	\$0.00	\$335.82	\$16.79	\$352.61	\$23.51
Billy D. Henshaw Merced E. Henshaw	170 Lake St., SE Albany, OR 97321	1401 11-3W-5DA	15	15.88	\$113.22	5.1	\$107.10	0.0	\$0.00	\$220.32	\$11.02	\$231.33	\$15.42
Billy D. Henshaw Merced E. Henshaw	170 Lake St., SE Albany, OR 97321	1404 11-3W-5DA	24.8	26.25	\$187.19	0.0	\$0.00	0.0	\$0.00	\$187.19	\$9.36	\$196.55	\$7.93
Betty J. Estabrook	P.O. Box 280 Terre Bonne, OR 97760	1403 11-3W-5DA	65.2	69.02	\$492.12	7.2	\$151.20	0.0	\$0.00	\$643.32	\$32.17	\$675.48	\$10.36
Wade W. Spurlin Charleen Spurlin	3894 Sedgewick Pl. SE Albany, OR 97321	1400 11-3W-5DA	30	31.76	\$226.43	9.9	\$207.90	0.0	\$0.00	\$434.33	\$21.72	\$456.05	\$15.20
Barry L. Tegner	221 Waverly Dr., SE Albany, OR 97321	1500 11-3W-5DA	90	95.27	\$679.24	13.0	\$273.00	0.0	\$0.00	\$952.24	\$47.61	\$999.85	\$11.11
Lube Express Inv. Corp.	PO Box 10901 Eugene, OR 97440	400 11-3W-5D0	280.5	296.94	\$2,117.14	16.4	\$344.40	0.0	\$0.00	\$2,461.54	\$123.08	\$2,584.62	\$9.21
Obrien-Kiernan Investment	1255 Post St. Ste. 914 San Francisco, CA 94108	7500 11-3W-5DC	104.6	110.73	\$789.50	0.0	\$0.00	112.5	\$1,721.25	\$2,510.75	\$125.54	\$2,636.29	\$25.20
TOTALS			710.1	751.70	\$5,359.62	80.0	\$1,680.00	112.5	\$1,721.25	\$8,760.87	\$438.04	\$9,198.91	

\*Each property was assessed proportionately for 41.6 linear feet of curb returns (based on front footage of the property).

