

RESOLUTION NO. 2766

A RESOLUTION FOR THE ADOPTION OF ENGINEERING AND FINANCE REPORTS, AUTHORIZATION TO SECURE EASEMENTS, TO OBTAIN BIDS, TO INCREASE APPROPRIATIONS, AND TO ISSUE WARRANTS FOR THE CONSTRUCTION OF ST-88-1, QUEEN AVENUE, BROADWAY TO CALAPOOIA RIVER.

BE IT RESOLVED that Resolution 2763 dated March 9, 1988, is hereby repealed; and

BE IT RESOLVED that the engineering reports of the Public Works Director and the finance reports of the Finance Director filed with the City Recorder on the 23rd day of February, 1988, concerning ST-88-1, Queen Avenue, Broadway to Calapooia River, be and the same are hereby adopted.

BE IT FURTHER RESOLVED that the Council authorize the Mayor and City Recorder to sign agreements on behalf of the City of Albany for the purpose of obtaining easements to construct the said improvements, direct the City Manager to obtain bids for the construction of said projects as required by law, and authorize the Mayor and City Recorder to make, issue, and negotiate General Obligation Improvement Warrants for the performance of said improvements, bearing interest, and constituting general obligations of the City of Albany. The terms of conditions of such warrants shall be as provided by ORS 287.502 to 287.510.

BE IT FURTHER RESOLVED that funds budgeted within the Improvement Fund be appropriated as follows:

<u>RESOURCE</u>	<u>FROM</u>	<u>TO</u>
<u>Improvement Fund</u> 26-985-88006		\$51,449.00.

REQUIREMENT  
Improvement Fund  
26-985-88006  
\$51,449.00.

DATED this 23rd day of March, 1988.

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Recorder

LINN COUNTY ROAD DEPARTMENT

NEAL D. MICHAEL  
Roadmaster



GLENN K. HOSSNER  
County Engineer

March 2, 1988

Albany City Council  
City Hall  
Albany, Oregon 97321

Attention: The Honorable Mayor Tom Holman

Re: Reconstruction of Queen Avenue  
(County Road #1), Calapooia  
River - Broadway Street,  
Local Improvement District

Dear Mayor Holman & Council Members:

Attached is a copy of the Linn County Board of Commissioners Resolution No. 88-096 which provides for inclusion of property outside of the City of Albany in city assessment for improvement of Queen Avenue from the Calapooia River Bridge to Broadway Avenue.

Sincerely,

A handwritten signature in black ink that reads "G. K. Hossner". The signature is written in a cursive style.

Glenn K. Hossner  
Linn County Engineer

GKH:bms  
Encl.

cc: John Joyce

FILED

MAR 2 1988

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR LINN COUNTY, OREGON

STEVE DRUCKENMILLER, CLERK  
By *[Signature]*  
Deputy

IN THE MATTER OF INCLUSION OF PROPERTY )  
OUTSIDE THE CITY OF ALBANY IN CITY )  
ASSESSMENT FOR IMPROVEMENT OF QUEEN AVENUE )  
FROM THE CALAPOOIA RIVER BRIDGE TO BROADWAY )  
AVENUE )

RESOLUTION

The Board of County Commissioners for Linn County has heretofore approved certain improvements to County Road #1, Queen Street, from the Calapooia River Bridge to Broadway; that portion of Queen Street lies partly within the City of Albany: the improvements are to consist of widening, grading, paving, improving drainage, and construction of curbs, gutters and sidewalks;

The Board of Commissioners, by January 7, 1988 letter to the Albany City Council, agreed to support formation of a Local Improvement District to finance the curb, gutter and sidewalk portion of the improvement; therefore,

It is hererby RESOLVED that: Pursuant to ORS 223.878,  
The said improvement is approved;  
Assessment of that property within the proposed Local Improvement District that lies outside the city limits of Albany city limits is approved;  
The assessment authority granted to the City of Albany, by this Resolution, including authority to enforce collection

Linn County District Attorney  
P.O. Box 100, Albany, Ore.  
Phone: 967-3836

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of assessments, is to be exercised for  
property outside the City of Albany in  
the same manner as for the property  
within the City of Albany.

This Resolution is effective immediately.

Dated this 2nd day of March, 1988.

LINN COUNTY BOARD OF COMMISSIONERS

Vernon Schrock  
Vernon Schrock, Chairperson

Richard Stach  
Richard Stach, Commissioner

Larry J. Johnson  
Larry J. Johnson, Commissioner

APPROVED AS TO FORM:

Allan Smith

Lin County Legal Counsel  
No. 88-096

Linn County District Attorney  
P.O. Box 100, Albany, Ore.  
Phone: 967-3836

INTERDEPARTMENTAL MEMORANDUM  
Public Works Department  
Engineering/Utilities Division

TO: Albany City Council

VIA: Bill Barrons, City Manager

FROM: John Joyce, P.E., Public Works Director

DATE: February 16, 1988, for February 24, 1988, City Council Meeting

SUBJECT: Engineer's Report for ST-88-1, Queen Avenue (Broadway to Calapooia River)

Description of Project

This project will provide for the reconstruction of Queen Avenue from Broadway to the Calapooia River. As previously reported to Council, on January 27, 1988, Linn County will pay for reconstructing the actual roadway and it is the responsibility of the City to provide funds to cover the cost of sidewalk, curb, and gutter.

All of the properties included in the Local Improvements District are not in the City of Albany. These properties are defined on the attached map. The Oregon Revised Statutes 223.878 provides for the inclusion of property outside the city in the assessment for local street improvements. The Linn County Board of Commissioners is required to approve the improvement of the portion outside the city. A copy of the letter showing their support for this project is included and will be made available to all the affected property owners.

Approximately 3,737 lineal feet of curb and gutter, and 2,837 lineal feet of sidewalk is proposed to be constructed. Sidewalk, curb, and gutter will be provided as follows: (See attached map)

Group 1. On the north side of Queen Avenue, in front of the Bonneville Power Administration, 900 lineal feet of curb and gutter will be constructed. Due to low anticipated sidewalk usage in this area, no sidewalk will be provided.

Group 2. All other areas will be provided with a 5-foot sidewalk, curb, and gutter.

Summary of Estimated Cost

A. Estimated Construction Cost	\$40,671.00
B. 10% Contingencies	<u>4,067.00</u>
C. Total Estimated Construction Cost	44,738.00
D. 15% Engineering, Legal, and Administration	<u>6,711.00</u>
E. Total Estimated Assessment	\$51,449.00

### Method of Assessment

It is recommended that the benefitting property owners be assessed for the actual cost on a "per foot" basis for the improvements directly in front of their properties. These costs will not be final until completion of the project.

Group 1. Estimated Cost per Front Foot - \$6,450.00 / 900 ft. - \$7.17/ft.

Group 2. Estimated Cost per Front Foot - \$44,999.00 / 2837.812 ft. - \$15.86/ft.

### Methods of Assessment Payment

The owner or contract buyer of the property will have three options for paying the assessment: 1) They may pay the amount of the assessment in full within ten (10) days; 2) They may (Bancroft) bond the assessment; or 3) They may defer the payment of assessment if they meet the requirements.

If they elect to (Bancroft) bond the assessment, they can extend their payments over a ten-year period. Through this process, they will pay for the amount of the assessment, plus interest, in twenty (20), semi-annual payments or 120 monthly payments. The interest rate is currently approximately 12%. However this rate can be changed by the City Council and will be set by the City Council at the time of the sale of Bancroft Bonds.

State law requires that the property owner notify the City of Albany Finance Department within ten (10) days from the date they receive their "Bancroft Application - Notice of Assessment" if they wish to bond the assessment. Otherwise, the assessment must be paid in full or it will be subject to foreclosure proceedings. This Notice will not be mailed until the project has been completed and the City Council has adopted the final Engineer's Report.

Some property owners may qualify for a third option of paying the assessment. The Oregon Deferral Program for Senior Citizens allows Oregon homeowners age 62 and older (who qualify) to defer payments on assessments against their property. If the property owner qualifies for the deferral program, the State of Oregon will make the installment payments for them. The payments will be charged to an account that establishes a lien against the property. The money, plus interest, must be paid back when the property owner moves, or otherwise changes title to the property. The interest rate for this deferral program is six (6%) percent per year.

More detailed information will be provided to the property owners at the time when the project has been completed and total construction costs have been compiled and the final assessment is determined and adopted by the City Council.

Recommendations

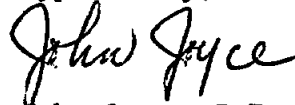
It is recommended that the City Council adopt the Engineer's Report and declare its intent to make the improvements by adopting the attached Resolution and set a date for a public hearing to hear any objections or support for the project.

Respectfully submitted,



Mark A. Yeager, P.E.  
Engineering/Utilities Division Manager

Approved by,



John Joyce, P.E.  
Public Works Director

PROPERTY AND PROPOSED ASSESSMENT DATA

ST-88-1, Queen Avenue Reconstruction  
 (Broadway to Calapooia River)

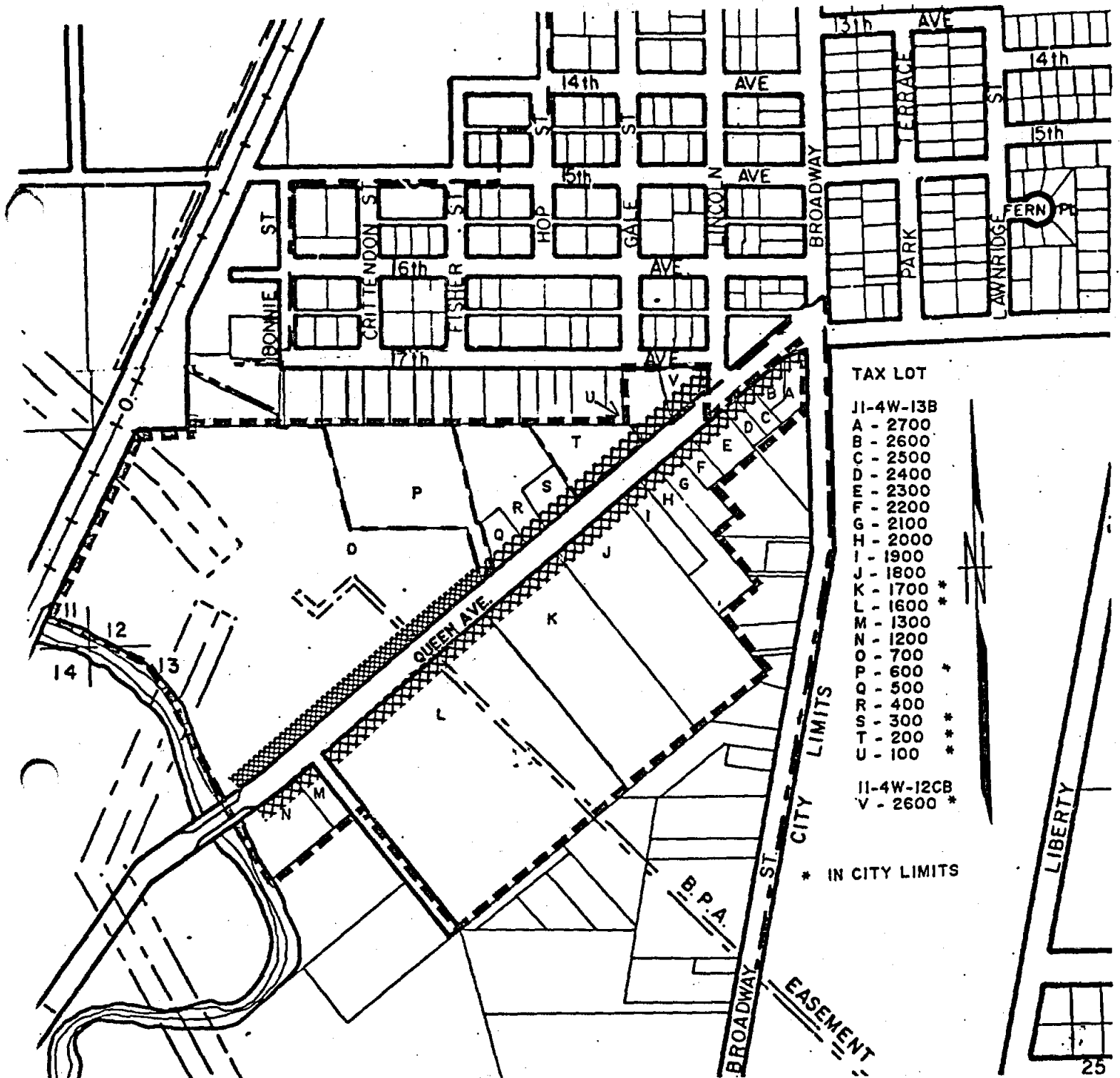
Office of Public Works Director

Owner/Address	Tax Lot/Map No.	Front Footage	Cost/ Front Ft.	Total Assessment
John H. & Jean M. Nath 2250 NE Brownley Heights Dr. Corvallis, OR 97330	100 (11-4W-13B)	114.20	15.86	1,811.21
John & Lucyann Volbeda 35735 Engle Rd. Albany, OR 97321	200	242.28	15.86	3,842.56
John J. Bachmeier Trust 32932 Steckley Rd. Lebanon, OR 97355	300	116.372	15.86	1,845.66
Pacific Power & Light 920 SW 6th Ave. Portland, OR 97204	400	30.10	15.86	477.39
Earl W. & Alice L. Parker 1939 Queen Ave. W Albany, OR 97321	500	112.09	15.86	1,777.75
City of Albany P. O. Box 490 Albany, OR 97321	600	50.00	15.86	793.00
United States of America Bonneville Power Administration 2101 Queen Ave. SW Albany, OR 97321	700	900.00	7.17	6,450.00
M. R. & Julia Widmer 2340 Queen Ave. W Albany, OR 97321	1200	101.87	15.86	1,615.66
M. R. & Julia Widmer 2340 Queen Ave. W Albany, OR 97321	1300	81.01	15.86	1,284.82



<u>Owner/Address</u>	<u>Tax Lot/Map No.</u>	<u>Front Footage</u>	<u>Cost/ Front Ft.</u>	<u>Total Assessment</u>
Keller Development Co. 1951 Ferry St. SW Albany, OR 97321	1600	665.89	15.86	10,561.02
Keller Development Co. 1951 Ferry St. SW Albany, OR 97321	1700	193.36	15.86	3,066.69
Keller Development Co. 1951 Ferry St. SW Albany, OR 97321	1701	73.00	15.86	1,157.78
Ester Peterson 1840 Queen Ave. W. Albany, OR 97321	1800	264.00	15.86	4,187.04
William J. & Judith M. Mespelt 1830 Queen Ave. SW Albany, OR 97321	1900	66.00	15.86	1,046.76
Leroy & Edda L. McLaren 1810 Queen Ave. W Albany, OR 97321	2000	66.00	15.86	1,046.76
James D. & Nancy J. Schmaltz 1740 Queen Ave. SW Albany, OR 97321	2100	60.885	15.86	965.64
Eunice A. Spath 626 S. Seventh Klamath Falls, OR 97601	2200	60.885	15.86	965.64
Frank B. & Sherry M. Schoorl 1710 Queen St. SW Albany, OR 97321	2300	121.77	15.86	1,931.27
Donald L. & Claire Haley 1650 Queen Ave. W Albany, OR 97321	2400	51.15	15.86	811.24

<u>Owner/Address</u>	<u>Tax Lot/Map No.</u>	<u>Front Footage</u>	<u>Cost/ Front Ft.</u>	<u>Total Assessment</u>
Terry R. & Patricia M. Stoelting 1640 Queen St. SW Albany, OR 97321	2500	50.00	15.86	793.00
Chester R. & Helen L. Stoelting 1620 Queen Ave. SW Albany, OR 97321	2600	117.00	15.86	1,855.62
Chester R. & Helen L. Stoelting 1620 Queen Ave. SW Albany, OR 97321	2700	66.55	15.86	1,055.48
John H. & Jean M. Nath 2250 NW Brownley Heights Dr. Corvallis, OR 97330	2600 (11-4W-12CB)	133.40	15.86	2,115.72
	<b>TOTAL</b>			<b>\$51,457.71</b>






TAX LOT

- J1-4W-13B
- A - 2700
- B - 2600
- C - 2500
- D - 2400
- E - 2300
- F - 2200
- G - 2100
- H - 2000
- I - 1900
- J - 1800
- K - 1700 \*
- L - 1600 \*
- M - 1300
- N - 1200
- O - 700
- P - 600 \*
- Q - 500
- R - 400
- S - 300 \*\*
- T - 200 \*\*
- U - 100 \*\*

- I1-4W-12CB
- V - 2600 \*

\* IN CITY LIMITS

# QUEEN AVE. IMPROVEMENTS

-  GROUP 1 - CURB & GUTTER ONLY
-  GROUP 2 - SIDEWALK, CURB & GUTTER
-  ASSESSMENT BOUNDARY

SCALE 1" = 400'

LIBERTY

governing body of a city may assess, levy and collect annual assessments upon any real property within its boundaries for street lighting, street maintenance and street cleaning services which benefit the property. [1983 c.234 §2]

223.852 [1957 c.430 §2; repealed by 1959 c.653 §12]

223.854 [1957 c.430 §3 repealed by 1959 c.653 §12]

223.855 [Renumbered 223.882]

**223.856 Measure imposing assessments; contents.** (1) A measure authorizing assessments under ORS 223.851 to 223.876 shall specify the services proposed to be financed by the assessments, the maximum amount which may be imposed and the number of years in which assessments will be made.

(2) Each assessment measure shall provide for the operation and maintenance of a single street lighting, street maintenance or street cleaning service. More than one measure may be submitted to the electors at a single election. Assessments for street lighting may include an amount sufficient to pay construction, reconstruction, modification and installation costs as well as operating and maintenance costs.

(3) The measure shall provide that assessments are in lieu of any existing serial ad valorem tax levy for the service to be provided. [1983 c.234 §3]

223.857 [1957 c.430 §4; repealed by 1959 c.653 §12]

223.859 [1957 c.430 §5; repealed by 1959 c.653 §12]

223.860 [Renumbered 223.884]

**223.861 Basis of assessment.** Assessments shall be based upon any reasonable basis of assessment related to services received by the assessed property for the period specified in the measure. [1983 c.234 §4]

223.862 [1957 c.430 §6; repealed by 1959 c.653 §12]

223.864 [1957 c.430 §7; repealed by 1959 c.653 §12]

223.865 [Renumbered 223.886]

**223.866 Levy of assessment; manner of collection; effect of nonpayment.** (1) The city each year shall estimate assessments needed and the amount of assessment for each tax account, and the amount thereof may be levied and returned to the officer whose duty it is to extend the ad valorem tax roll at the time required by law for taxes to be levied and returned.

(2) All assessments levied by the city shall become payable at the same time, may be collected by the same officer who collects ad valorem taxes and shall be turned over to the city according to law.

(3) The officer whose duty it is to extend the city levy may extend the levy of the city in the same manner as city taxes are extended.

(4) Property shall be subject to sale for the nonpayment of assessments levied by the city in like manner and with like effect as in the case of city taxes. [1983 c.234 §5]

223.867 [1957 c.430 §8; repealed by 1959 c.653 §12]

223.869 [1957 c.430 §9; repealed by 1959 c.653 §12]

223.870 [Renumbered 223.888]

**223.871 Bancroft Bonding Act not applicable.** ORS 223.205 and 223.210 to 223.295 do not apply to assessments under ORS 223.851 to 223.876. [1983 c.234 §6]

223.872 [1957 c.430 §10; repealed by 1959 c.653 §12]

223.874 [1957 c.430 §11; repealed by 1959 c.653 §12]

223.875 [Renumbered 223.900]

**223.876 Charter authority not affected.** ORS 223.851 to 223.876 are in addition to and not a limitation on authority a city may exercise under its charter. [1983 c.234 §7]

223.877 [1957 c.430 §12; repealed by 1959 c.653 §12]

**223.878 Inclusion of property outside city in city assessment for local street improvement.** (1) The governing body of a city may include property located outside the city as part of the property to be improved or to be assessed for a street improvement, subject to the following conditions:

(a) The type of street improvement is one which the city has authority to finance by assessments against property within the city.

(b) The governing body of the county, by resolution, approves the improvement if any portion of it is outside the city.

(c) The governing body of the county, by resolution, approves the assessment of the property outside the city.

(d) The assessment authority, including authority to enforce collection of assessments, is exercised for property outside the city in the same manner as for property within the city.

(2) The owners of property outside the city subject to assessment under this section shall have the same rights, including remedies, which the owners of property within the city may have. [Formerly 308.170]

Note: 223.878 [Formerly 308.170] was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 223 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

223.879 [1957 c.430 §13; repealed by 1959 c.653 §12]



LINN COUNTY BOARD OF COMMISSIONERS

VERNON SCHROCK  
Commissioner

RICHARD STACH  
Commissioner

LARRY J. JOHNSON  
Commissioner

Linn County Courthouse  
P.O. Box 100, Albany, Oregon 97321  
(503) 967-3825

WILLIAM L. OFFUTT  
Administrative Officer

January 7, 1988

Albany City Council  
City Hall  
Albany, Oregon 97321

Attention: The Honorable Mayor Tom Holman

Re: Reconstruction of Queen Avenue  
(County Road #1), Calapooia River -  
Broadway Street, Local Improvement  
District

Dear Mayor Holman & Council Members:

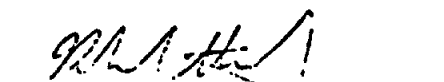
Linn County is in the process of budgeting for future construction projects. Current plans are to improve Queen Avenue from the Calapooia River to Broadway Street during the 1988 construction season. Our tentative plan is to open bids around May 15th.

In preliminary meetings with your engineering staff, the need to form a Local Improvement District to fund the construction of curbs, gutters, and sidewalks was identified. Since the project involves both city and county jurisdiction it was agreed that a single district covering both the county and city be formed.

The county supports formation of this joint Local Improvement District and requests the city to proceed with its formation as quickly as possible.

LINN COUNTY BOARD OF COMMISSIONERS

  
Vernon Schrock, Commissioner

  
Richard Stach, Commissioner

  
Larry J. Johnson, Commissioner

cc: John Joyce

Section 1:

FINANCIAL INVESTIGATION REPORT  
LOCAL IMPROVEMENT DISTRICT NO. ST-88-01

1st - 9%

Owner	Property Description	% of Project	Est. Assessment	Maximum Allowable Bancroft	As of			Total Other Assess. on this Property	Present Assessments to TCV	Semi-annual Payment 10 Year Bancroft	Attitude Toward Project		
					Land	Improvements	Total				In Favor	Against	Non-Committed
Nath, John	11-4W-12CB-2600	4	2,116	505,620	22,810	230,000	252,810	-	1	201			
Nath, John	11-4W-13B-100	4	1,811	4,140	2,070	-	2,070	-	87	172			
Volbeda, John	11-4W-13B-200	7	3,843	613,800	55,300	251,600	306,900	-	1	365			
Bachmeier, John	11-4W-13B-300	4	1,846	58,340	12,600	16,570	29,170	-	6	175			
PP&L	11-4W-13B-400	1	477	545,800	(as of Nov. 87)		272,900	-	.0017	45			
Parker, Earl	11-4W-13B-500	3	1,778	58,340	12,600	16,570	29,170	-	6	169			
City of Albany	11-4W-13B-600	2	793	73,600	36,800	-	36,800	-	2	75			
US-BPA	11-4W-13B-700	12	6,450	379,040	189,520	-	189,520	-	3	613			
Widmer, Menno	11-4W-13B-1200	3	1,616	82,040	13,090	27,930	41,020	-	4	154			
Widmer, Menno	11-4W-13B-1300	2	1,285	74,220	12,120	24,990	37,110	-	3	122			
Keller Dev.Co.	11-4W-13B-1600	20	10,561	267,060	113,550	19,980	133,530	7,802	8	1,003			
Keller Dev.Co.	11-4W-13B-1700	6	3,067	92,280	46,140	-	46,140	3,014	13	291			
Keller Dev.Co.	11-4W-13B-1701	2	1,158	73,940	11,640	25,330	36,970	-	3	110			
Peterson, Ester	11-4W-13B-1800	8	4,187	89,980	21,230	23,760	44,990	-	9	398			
Mespelt, Wlm.	11-4W-13B-1900	2	1,047	106,040	12,600	40,420	53,020	-	2	99			
McLaren, Leroy	11-4W-13B-2000	2	1,047	84,180	13,570	28,520	42,090	-	2	99			

Section 1 (Cont):

FINANCIAL INVESTIGATION REPORT  
LOCAL IMPROVEMENT DISTRICT NO. ST-88-01

1st - 9%

Owner	Property Description	% of Project	Est. Assessment	Maximum Allowable Bancroft	As of			Total Other Assess. on this Property	Present Assessments to TCV	Semi-annual Payment 10 Year Bancroft	Attitude Toward Project		
					Land	Improvements	Total				In Favor	Against	Non-Committed
Smaltz, James	11-4W-13B-2100	2	966	68,080	12,600	21,440	34,040	-	3	92			
Molatore, Gerbt	11-4W-13B-2200	2	966	21,340	10,670	-	10,670	-	9	92			
Schoorl, Frank	11-4W-13B-2300	4	1,931	66,060	12,600	20,430	33,030	-	6	183			
Haley, Donald	11-4W-13B-2400	2	811	101,140	10,670	39,900	50,570	-	2	77			
Stoelting, Terry	11-4W-13B-2500	2	793	70,100	10,670	24,380	35,050	-	2	75			
Stoelting, Chstrl	11-4W-13B-2600	4	1,856	62,880	13,570	17,870	31,440	-	6	176			
Stoelting, Chstrl	11-4W-13B-2700	2	1,055	56,400	13,090	15,110	28,200	-	4	100			

Financial Investigation Report  
Local Improvement District No. ST-88-01

Section 2: Map

Map showing vacant lots and undeveloped property.

Section 3: Number of similar lots and property held by the City through foreclosure.

Out of the 23 parcels included in this LID, only five are unimproved. Two of those are part of larger parcels (Nath and Keller), one belongs to the City of Albany, one to the US-BPA, and one to an individual property owner. The City currently has no property obtained through foreclosure that has improvements. Because of the value of the improvements on the parcels in this proposed LID, it is unlikely that the property owner would allow foreclosure.

Section 4: Delinquency rate of assessments and taxes in the area.

One property owner, Keller Development Co., currently has other City assessments on parcels in this proposed LID. Those assessments are paid current. None of the properties are subject to tax foreclosure according to available County records.

Section 5: Real estate value trends in the area.

Property value in the area has remained stable. There is a good possibility that values in this area could increase faster than the average for the rest of the City. There are only two parcels that are not improved that have a potential for substantial increase in value.

Section 6: Tax levy trends and potential financial impact on Improvement District.

The assessment will add approximately \$300 per year to the average parcel.

Section 7: Does the project conform to the City Comprehensive Plan?

Yes.

Section 8: Status of City's debt.

As of June 30, 1987; the City had a General Obligation (and Bancroft) legal debt limitation of \$9,199,816. This small improvement project will not have a major impact on our debt limit.

Section 9: Estimated cost of financing.

Bancroft bonds would have to be sold to finance the improvement. Current bond prices are very favorable at approximately 7.5 - 8.0 percent. Cost to the property owner would be 10 percent.



Section 10: General creditworthiness of property owners within the LID.

This improvement project will add an assessment to the properties in the LID of between 1 and 9 percent of T.C.V. with an average increase of 4 percent. This ratio of value to assessment is reasonable and should not result in foreclosure.