



A place where families and businesses thrive.

<i>CITY RECORDER USE ONLY:</i>	
AGENDA ITEM #:	<u>6.</u>
MEETING DATE:	<u>09/14/2020</u>
FINAL ACTION:	<u>RESO 2020-87</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: *September 14, 2020*

SUBJECT TITLE: *Resolution Forming Special Improvement District for Construction of Sewer Main and Individual Service Laterals in 10th Avenue from Elm Street to its Easterly Terminus*

ACTION REQUESTED:

<input type="checkbox"/>	Ordinance	<input type="checkbox"/>	Order	<input checked="" type="checkbox"/>	X	Resolution	<input type="checkbox"/>	Motion	<input type="checkbox"/>	Informational
--------------------------	-----------	--------------------------	-------	-------------------------------------	---	------------	--------------------------	--------	--------------------------	---------------

X all that apply

BACKGROUND:

At the July 13, 2020, City Council meeting, the City Council considered and approved a resolution signifying an intention to form a special improvement district (SID) to construct a sewer main and associated service laterals within 10th Avenue right of way from Elm Street to its easterly terminus. In accordance with the resolution and City Code, public notice was delivered by mail to each of the property owners of record within the proposed district boundary. Additionally, notice was published in a newspaper of general circulation.

As of the writing of this staff report, no written statements of remonstrance (protest) have been received. Written statements of remonstrance are due the end of business Friday. As a reminder, City Code defines a successful remonstrance as receipt of two thirds or more protests from property owners within the proposed district. In this case, a successful remonstrance is receipt of three or more statements of remonstrance in order to suspend proceedings. In the event of an unsuccessful protest, City Code authorizes the Council to proceed with forming the district.

FISCAL IMPACT:

The estimated project cost is \$193,500 and will be financed through a Sewer Fund loan for a period of 10 years. The interest rate will be determined at the time final costs are known and assessments spread.

STAFF RECOMMENDATION:

Staff recommends City Council approve the attached resolution.

ATTACHMENT(s):

- Resolution
- Original Petition

PETITION TO FORM LOCAL IMPROVEMENT DISTRICT

To the City Council of Forest Grove:

Date May 2020

We the undersigned residents of the City of Forest Grove or the Urban Growth Boundary of said City, hereby petition the City Council to construct the _____ improvements (as described and illustrated on the attached drawing), and/or easements as is necessary to serve the properties described herein. In consideration of your constructing said improvements, we agree to pay the City of Forest Grove our proportionate share of the total cost of constructing said improvements. The total cost shall be distributed equally among the benefiting property owners based on an "~~area~~" or "~~frontage~~" or "equal assessments" (Strike out the incorrect methods) method of assessment.

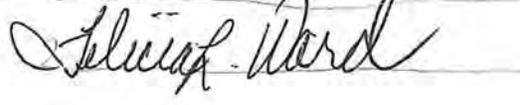
Signed:

NAMES:
TAX LOT #

ADDRESS:

MAP &

1. Willis and Felicia Ward
2516 10th Ave
R0429281


2. Jeffs Adventures
2530 10th Ave
R0429316

3. Jeffs Adventures
2538 10th Ave
R0429307


4. David and Sharon K. Sharp
2540 10th Ave.
RD 42 9432

David Sharp
Sharon K Sharp

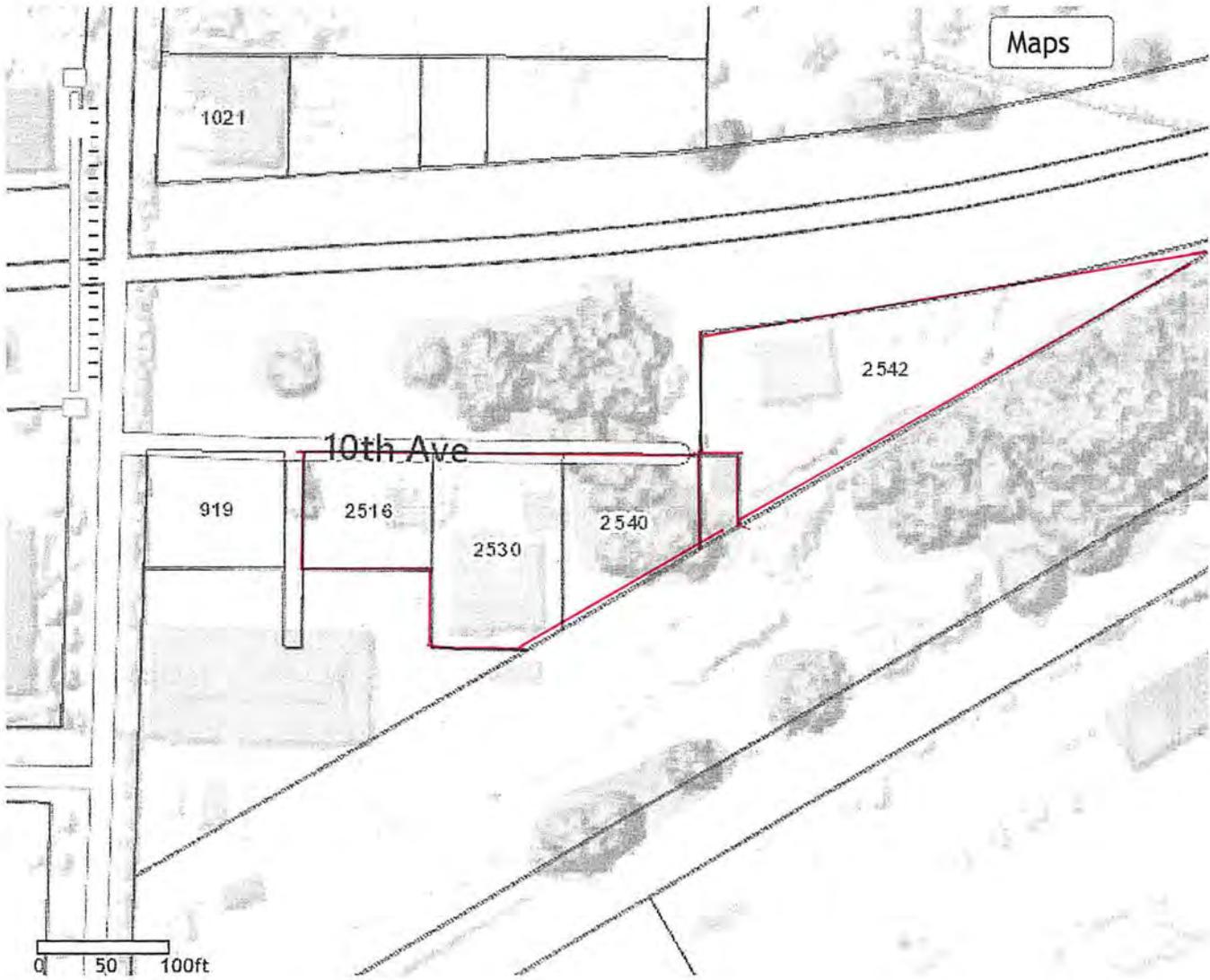
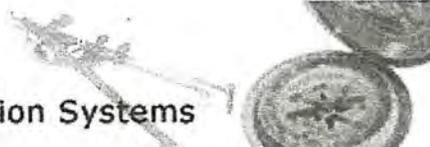
5.

6.

7.



Geographic Information Systems



Base maps and air photo service are provided by [Metro](#)



A place where families and businesses thrive.

**NOTICE OF INFORMATIONAL HEARING
FOREST GROVE CITY COUNCIL
FORMATION OF PROPOSED SPECIAL IMPROVEMENT DISTRICT
PURSUANT TO FOREST GROVE CITY CODE 151.080 TO 151.098
“10TH AVENUE SEWER SPECIAL IMPROVEMENT DISTRICT”**

NOTICE IS HEREBY GIVEN that the Forest Grove City Council will hold a Public Hearing on **Monday, September 14, 2020, at 7:00 p.m.** or thereafter, in the Community Auditorium, 1915 Main Street, Forest Grove, at which time persons impacted by the creation of a Special Improvement District shall be given the opportunity to comment thereon. The City Council will be considering the approval of a Resolution regarding the formation of a proposed Special Improvement District. The Council has the sole discretion after the hearing to decide whether or not to form the proposed District. The proposed resolution, if enacted by the City Council, would take effect immediately.

Issue: A petition, signed by all property owners of record, has been filed with the City of Forest Grove requesting formation of a Special Improvement District to extend a sewer main from Elm Street, along 10th Avenue, to its easterly terminus.

Nature of Improvement: Work will include construction of approximately 600 feet of sewer main, four individual service laterals and appurtenances such as manholes and cleanouts.

Description of the property within the District: The properties to be assessed are described in the petition and further detailed in the Engineer’s Report.

Costs: The estimated cost is \$200,000. Assessments, however, will be based on actual costs incurred.

Assessment Methodology: The recommended assessment methodology, as requested by the petition, is equal assessments. The total cost incurred will be divided among property owners equally.

Notice of Hearing Regarding Improvement District Resolution:

1. The City Engineer has completed the report required in City Code Sections 151.080 to 151.098. The City Council shall hold a hearing (no earlier than 20 days after first published notice), in which persons impacted by the creation of the District shall be given the opportunity to comment. In addition, notice shall be given to the petitioners and all owners of property within the proposed District, with notification by certified mail, return receipt requested or by personal service. Notice shall be deemed complete as of the date notice is mailed or served; failure to receive actual notice of the hearing shall not invalidate or otherwise affect any action of the City relative to the creation of the District and/or the costs associated therewith.

2. Written remonstrances may be presented to the City Recorder until 5 p.m., September 11, 2020. Should the City Recorder receive written remonstrances representing more than two-thirds of the land to be specially assessed for the improvement, then the improvement will be suspended for at least 12 months.

COVID-19 NOTICE: The City Council will be meeting remotely by video conferencing. The public may attend and observe in the Community Auditorium as space allows (social distancing, face coverings required). However, the Council encourages written remonstrances, comments or testimony to be submitted prior to the hearing by email to: aruggles@forestgrove-or.gov, or sent to City Recorder's Office, PO Box 326, 1924 Council Street, Forest Grove, Oregon 97116. Additionally, a copy of the City Engineer's Report is available for inspection at the Engineering Department, 1928 Council Street, Forest Grove, 9:00 a.m. to 5:00 p.m., 503.992.3228, or by visiting the City's website: www.forestgrove-or.gov. For further information about this hearing, please call the City Recorder's Office at 503.992.3235.

###

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

Date: August 20, 2020 (NewsTimes)

Date: August 12, 2020 (Mailed to all property owners within the District)

61

RESOLUTION NO. 2020-87

**RESOLUTION OF THE CITY OF FOREST GROVE
FORMING A SPECIAL IMPROVEMENT DISTRICT, IN ACCORDANCE
WITH FOREST GROVE CITY CODE SECTION 151.080 THROUGH SECTION
151.098, FOR CONSTRUCTION OF SEWER MAIN AND INDIVIDUAL SERVICE
LATERALS IN 10TH AVENUE FROM ELM STREET TO ITS EASTERLY TERMINUS**

WHEREAS, the Council previously considered and accepted the City Engineer's Draft Report (Resolution 2020-69) and declared its intention on July 13, 2020 (Resolution 2020-70) to consider formation of a special improvement district that would construct a sewer main and individual service laterals in 10th Avenue from Elm Street to its easterly terminus; and

WHEREAS, the City provided notification to property owners of record within the proposed District and public notice by advertisement in a newspaper of general circulation in accordance with the requirements of City Code; and

WHEREAS, the City Council held a duly-noticed Public Hearing on September 14, 2020, to consider written remonstrances and other public testimony on formation of the proposed special improvement district; and

WHEREAS, after considering written remonstrances and public testimony, the City Council has determined that it is in the best interest of the public to form the special improvement district.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF FOREST GROVE AS FOLLOWS:

Section 1. The City Council hereby orders that the 10th Avenue Sewer Special Improvement District to construct a sewer main and associated services laterals in 10th Avenue from Elm Street to its easterly terminus be formed. Further, the City Council directs the City Engineer to make all preparations necessary to finalize design, bid documents, publicly bid and construct the contemplated improvements.

Section 2. The proposed district boundary, included with the petition, is attached as Attachment 1 (Draft City Engineer's Report); and

Section 3. The proposed method of assessment is equal assessments for all benefited properties within the proposed district. The duration of the proposed district is ten years and shall commence upon completion and acceptance of improvements at which time the first assessment is issued.

Section 4. The initial estimated district cost is \$193,500.

Section 5. The City Engineering Department will be responsible for finalizing bid documents, publicly bidding the project and overseeing its construction. Construction activities will be performed by a private contractor.

Section 6. This resolution is effectively immediately upon its enactment by the City Council.

PRESENTED AND PASSED this 14th day of September, 2020.

Anna D. Ruggles, City Recorder

APPROVED by the Mayor this 14th day of September, 2020.

Peter B. Truax, Mayor