

Willa

Memorandum Date: February 12, 2009
Order Date: March 18, 2009

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Frank Simas, Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Certification of Final Assessments for the Replacement of the West Fork Coyote Creek Bridge on Biggs Road (A Local Access Road).

I. MOTION

THAT THE ORDER BE ADOPTED CERTIFYING FINAL ASSESSMENTS AND SETTING LIEN VALUES AGAINST BENEFITING PROPERTIES FOR REPLACEMENT OF THE WEST FORK COYOTE CREEK BRIDGE ON BIGGS ROAD AS REPORTED BY THE COUNTY PUBLIC WORKS DIRECTOR, AS PROPER AND CORRECT, AND THAT THE ASSESSMENTS AGAINST EACH INDIVIDUAL PARCEL OF LAND BE ESTABLISHED AS THE FINAL, COMPLETED AND CORRECT ASSESSMENT WITH PAYMENT OF SAID LIENS TO BE MADE IN ACCORDANCE WITH ORS 371.655.

II. AGENDA ITEM SUMMARY

Prior to certification of Final Assessment amounts by the Board, a public hearing must be held in accordance with ORS 371.645(2) to hear objections to final assessments in connection with the replacement of the above-referenced bridge.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The construction of the replacement of the West Fork Coyote Creek Bridge has been completed, and in accordance with ORS 371.640, the project was approved by the County Engineer as constructed on January 21, 2009. The Public Works Director also accepted the project for the purpose of levying final assesment on January 22, 2009.

The benefiting properties were made subject to a pending lien by Order No. 08-8-7-2 as required by ORS 371.765 in an amount to be determined later by the Board. As required by ORS 371.645, the Board through Order No. 09-2-11-1, set a public hearing for March 18, 2009 at 1:30 PM in Harris Hall, Eugene, Oregon for the purpose of hearing objections to final assessments for the replacement of said bridge.

Benefiting property owners were notified of the public hearing for final assessments and the final assessment amount to be levied against their property by Certified Mail on February 12, 2009.

B. Policy Issues

Lane Code 15.636(3) provides that when the Board determines the public interest requires improvement to bridges on Local Access Roads, the direct cost shall be assessed to the specially benefiting owners on a uniform basis as determined by the Board. Pursuant to Order 08-7-30-5 the Board indicated a willingness to share in the cost of the replacement bridge on a 50% - 50% basis, with the balance of the project costs to be shared equally among the five specially-benefiting properties.

The Board has found by Order 08-7-30-5 that the public use of Biggs Road by local residents, delivery vehicles and emergency service providers justified the proposed expenditure out of the Road Fund and further designated the bridge replacement as a single project and not as a continuing program.

C. Board Goals

This action is consistent with the *Strategic Plan* goal of contributing to "appropriate community development in the area of transportation and telecommunications infrastructure, housing, growth management and land development" and ensuring the public safety and encouraging emergency preparedness.

D. Financial and/or Resource Considerations

After deduction of the costs of design, permits and other engineering costs which the Board had indicated a willingness to pay, the project costs totaled \$155,158.92. Consistent with the Board's direction and the language of the Irrevocable Petitions, it is recommended that the total amount to be assessed to the five benefitting property owners be set at \$75,000, and that upon payment of the assessment this amount be returned to the Road Fund.

County policy is to charge interest on unpaid assessments at the rate of Prime plus 3 percent (currently equal to 6 percent). Use of the 11th District Cost of Funds Index (COFI) as the base rate was discussed at one of the meetings with property owners held early last year at time when the COFI was considerably less than the

Prime Rate. The COFI is currently 2.75 percent, and in the interest of equity to owners affected by other assessment projects, it is recommended that the Board set the interest rate at Prime plus 3 percent, or 6 percent on unpaid balances.

IV. Analysis

The amounts of the final assessments have now been determined as set forth in the attached Exhibit "A". Assessments will be levied to the benefiting properties in accordance with Lane County Special Assessment Policy as outlined in Lane Code Chapter 15 and ORS 371.625 and 371.640, which states that the cost of constructing the improvements be assessed to the abutting properties on an equal basis as determined by the Board.

V. Alternatives/Options

1. Certify the final assessments as shown on Exhibit "A".
2. Waive the assessments and forego the assessable costs.

VI. TIMING/IMPLEMENTATION

N. A.

VII. RECOMMENDATION

Option 1.

VIII. FOLLOW-UP

Upon certification by the Board, property owners will be notified to pay the final assessments within 30 days or to make arrangements for installment payments. Any amounts not paid within 30 days after certification by the Board will accrue interest from April 17, 2009.

IX. ATTACHMENTS

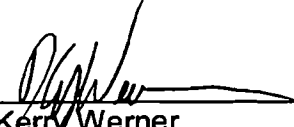
Exhibit "A" – Final Property Assessment Summary
Attachment 1 – Completion Notice
Attachment 2 – Notice of Public Hearing

ATTACHMENT 1

LANE COUNTY

NOTIFICATION OF COMPLETION AND ACCEPTANCE

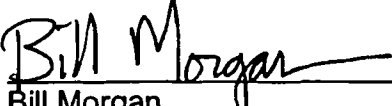
Hereby the County Engineer is being notified that the construction of the replacement of the West Fork Coyote Creek Bridge on Biggs Road has been completed under the direction of the Supervising Design Engineer.


Kerry Werner
Supervising Design Engineer


1/21/09
Date

Hereby the said construction for the West Fork Coyote Creek Bridge is approved and accepted for the purpose of levying the final assessments.

Recommended:


Bill Morgan
County Engineer
1/21/09
Date

Accepted:


Marsha A. Miller
Public Works Director
1/22/09
Date

ATTACHMENT 2
SENT BY CERTIFIED RETURN RECEIPT MAIL

March xx, 2009

x
x.
x

Subject: Replacement of the West Fork Coyote Creek Bridge on Biggs Road (A Local Access Road); Road Improvement Assessments
Parcel No. 8043-03

On March 18, 2009, the Lane County Board of Commissioners held a public hearing for the purpose of hearing objections to the individual assessments for the replacement of the West Fork Coyote Creek Bridge on Biggs Road, and at the conclusion of the public hearing the Board certified those assessments.

The certified amount of the Special Assessment for your property is shown on the enclosed itemized page and shall become due and payable on or before **April 17, 2009**. You may either pay the amount in full or arrange to make two payments each year over a ten year period, plus interest which will accrue at a rate of six (6.00) percent per annum on the unpaid balance. Either payment in full or arrangement for payments must be made by **April 17, 2009**, which is the date that your assessment balance will begin accruing interest. Please make your check payable to **Lane County Assessment and Taxation** and mail it to **Department of Assessment and Taxation, Accounting Section, 125 East 8th Avenue, Eugene, Oregon 97401**. In order to be assured that you will receive proper credit, indicate "**Coyote Creek Bridge**" on your check or money order. In accordance with ORS 371.650(2), an unpaid assessment will be a priority lien against your property until payment of the assessment plus accrued interest is paid in full at which time the lien shall be satisfied.

If you choose to make payments, an application form for the arrangement of semi-annual installment payments is enclosed for your convenience. The first billing will be mailed six months from the certification date. Please sign the form and return it to the **Department of Assessment and Taxation** no later than **April 17, 2009**. Any future correspondence in regard to your assessment, including payments and application forms, should be directed to the **Department of Assessment and Taxation** at the above address or **Phone 541-682-3784 or 541-682-3771**.

There is a Senior Deferral available through the Oregon Department of Revenue for homeowners age 62 or older depending on qualification. Under this program, the State of Oregon will make the installment payments for you. The Payments will be charged to an account that establishes a lien against your property. The money, plus interest and lien recording fees, must be paid back when you move, sell the property, change ownership, or die. The interest rate is 6 percent per year. For information on this program please contact the **Department of Assessment and Taxation – Phone 541-682-3784 or 541-682-3771**.

Sincerely,

Marsha A. Miller
Public Works Director

Enclosures: Itemized Page, installment application

**IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON**

ORDER NO.

(IN THE MATTER OF CERTIFICATION OF
(FINAL ASSESSMENTS FOR THE
(REPLACEMENT OF THE WEST FORK
(COYOTE CREEK BRIDGE ON BIGGS ROAD
((A LOCAL ACCESS ROAD)

WHEREAS, the Director's Report for Replacement of the West Fork Coyote Creek Bridge on Biggs Road (A Local Access Road), including the estimated assessments for improvements, was accepted by Board Order No. 08-7-30-5, and adjacent properties were ordered subject to a lien by Board Order No. 08-8-27-2; and

WHEREAS, construction of the replacement of said bridge has now been completed and inspected and, in accordance with ORS 371.640, was approved as constructed for the purpose of levying the final assessments by the County Engineer on January 22, 2009 and, in accordance with Lane Manual Chapter 21.105(5), the Public Works Director accepted the project for the purpose of levying the final assessments on January 22, 2009; and

WHEREAS, in accordance with ORS 317.645, a public hearing for objections to the assessments was set by Board Order No. 09-2-11-1 for March 18, 2009 at 1:30 PM in Harris Hall, Eugene Oregon, and notice was given as required by ORS 371-645(3), to property owners against whom assessment are being levied; and

WHEREAS, the amount of the assessments against each parcel of land reported by the Lane County Public Works Director and submitted as her report are listed on the attached "Exhibit A" for the West Fork Coyote Creek Bridge project. **NOW THEREFORE**

BE IT ORDERED that the Board, having heard the objections and evidence presented, finds the assessments for said bridge replacement are hereby established and certified as the final amount assessed against each parcel benefiting by the bridge replacement as shown on said "Exhibit A" attached hereto. **ALSO**

BE IT ORDERED that the owners of the property so assessed shall have the option to apply for installment payments being available at an interest rate of 6.00 percent, which equals the Prime Rate of 3.00 percent as of February 12, 2009 plus 3.00 percent per annum. Said interest rate of 6.00 percent shall also apply to all assessments that become delinquent. **AND ALSO**

BE IT ORDERED, in accordance with 371.650(1) that this Order shall be recorded and filed with the County Clerk and entered in the appropriate County Lien Docket.

DATED this _____ day of _____, 2009.

APPROVED AS TO FORM:

Chair,
Board of County Commissioners

Date 3-3-09 Lane County.

OFFICE OF LEGAL COUNSEL

Final Property Assessment - Summary Sheet

| | No. Of Units Placed | Credited Units | Unit Price | Subtotal | Eng. Cost | Subtotal W/ Eng Cost | Credit @ 0.50% | Line Item Waived | Line Total |
|------------------------------|------------------------|----------------|------------|--------------|-----------|-------------------------|-------------------|---------------------|-------------|
| Construct Bridge Replacement | 1.00 | L S. | 0.00 | \$150,000.00 | N. A. | \$150,000.00 | \$75,000.00 | \$0.00 | \$75,000.00 |
| Totals: | | | | \$150,000.00 | \$0.00 | \$150,000.00 | \$75,000.00 | \$0.00 | \$75,000.00 |

Total discounts applied to this project

\$0.00

Total deferrals for West Fork Coyote Creek Bridge on Biggs Road

\$0.00

For a Total Final Assessment of:

\$75,000.00

Final Property Assessment Schedule

| R/W Parcel # | No. Of Units Placed | Credited Units | Unit Price | Subtotal | Eng. Cost @ 25% | W/ Eng Cost | Credit @ 0.00% | Line Item | Line Total | TL |
|------------------------------|---|-------------------|------------------|-------------------|--------------------|-------------|-------------------|-----------|-------------|--------------------|
| Recorder's Reception | | | | | | | | | | |
| 8043-01 | Fogus, Lynn M. and Lynn C. | | 87545 Biggs Road | RR 1989/50174 | | | | | | |
| | | | VENETA, OR 97487 | 18-05-05-00 | | | | | | |
| Construct Bridge Replacement | 1.00 | L.S. | \$15,000.00 | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | #610 |
| | | | Totals: | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | |
| | | | | | | | | | | Total: \$15,000.00 |
| Recorder's Reception | | | | | | | | | | |
| 8043-02 | McGowan, Kenneth E. and Sharon Luann | | 87538 Biggs Road | RR 1996/931850174 | | | | | | |
| | | | VENETA, OR 97487 | 18-05-05-00 | | | | | | |
| Construct Bridge Replacement | 1.00 | L.S. | \$15,000.00 | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | #507 |
| | | | Totals: | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | |
| | | | | | | | | | | Total: \$15,000.00 |
| Recorder's Reception | | | | | | | | | | |
| 8043-03 | Engholm, David and Tracy | | 87520 Biggs Road | RR 1989/79507 | | | | | | |
| | | | VENETA, OR 97487 | 18-05-05-00 | | | | | | |
| Construct Bridge Replacement | 1.00 | L.S. | \$15,000.00 | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | #1200 |
| | | | Totals: | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | |
| | | | | | | | | | | Total: \$15,000.00 |
| Recorder's Reception | | | | | | | | | | |
| 8043-04 | Landstra, Norman H. and Beverly Jean | | P. O. Box 905 | RR 1985/8302 | | | | | | |
| | | | VENETA, OR 97487 | 18-05-05-00 | | | | | | |
| Construct Bridge Replacement | 1.00 | L.S. | \$15,000.00 | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | #1102 |
| | | | Totals: | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | |
| | | | | | | | | | | Total: \$15,000.00 |
| Recorder's Reception | | | | | | | | | | |
| 8043-05 | Merchen, Debra L. | | 87417 Biggs Road | RR 2007/6605 | | | | | | |
| | | | VENETA, OR 97487 | 18-05-05-00 | | | | | | |
| Construct Bridge Replacement | 1.00 | L.S. | \$15,000.00 | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | #1104 |
| | | | Totals: | \$15,000.00 | \$0.00 | \$15,000.00 | \$0.00 | \$0.00 | \$15,000.00 | |
| | | | | | | | | | | Total: \$15,000.00 |