

W. T. e.

AGENDA COVER MEMO

DATE: November 10, 2003,

TO: Lane County Board of Commissioners

DEPT.: Public Works

PRESENTED BY: Frank Simas
Right of Way Manager

AGENDA ITEM TITLE: In the Matter of Approving Improvements to Garden Way and Authorizing the City of Eugene to Assess Outside City Limits for the Proposed Improvements to Garden Way.

I. MOTION

THAT THE BOARD RESOLUTION AND ORDER BE APPROVED APPROVING IMPROVEMENTS TO GARDEN WAY AND AUTHORIZING THE CITY OF EUGENE TO ASSESS OUTSIDE CITY LIMITS FOR STREET IMPROVEMENTS TO GARDEN WAY – CITY IMPROVEMENT PROJECT NO. 3502.

II. ISSUE OR PROBLEM

Should the City of Eugene be authorized to assess outside the city for improvements to Garden Way, a City of Eugene improvement Project?

III. DISCUSSION

A. Background

The Board resolved by Resolution No. 00-8-9-1, to adopt the policy concepts proposed by the Roads Advisory Committee for use by the City of Eugene for assessment of City road improvements to benefiting properties outside the City.

The City of Eugene plans to improve Garden Way from Martin Luther King Jr. Boulevard to Sisters View Avenue. The existing Garden Way roadbed needs to be upgraded as a result of increased usage, safety concerns, rapid development activity and the deteriorated state of the roadbed. In addition, due to the changing characteristics of this general area, there is a need to better accommodate a variety of transportation users, including bicyclists, bus riders, pedestrians and motorists.

This project has been identified in the City of Eugene FY98-FY03 Capital Improvement Program (CIP) adopted by the City of Eugene Council on February 26, 1997, and in the FY98

Capital Budget. Improvement of Garden Way is included as a project in TransPlan (adopted in 1986) and the Willakenzie Area Plan (adopted in 1992). The latter recognizes Garden Way as a Minor Arterial and an important element of the transportation system serving the Willakenzie area, and the proposal for its improvement has generated interest in the future of the general area between I-5 and I-105 North and East of Martin Luther King Jr. Boulevard. The general area is known as the Chase Gardens Node. The specific area of the project is shown on the attached Exhibit "B".

Through a series of public workshops, public hearings, stakeholder interviews and work sessions with the Eugene Planning Commission, Lane County Planning Commission, Board of County Commissioners and Eugene City Council, a preferred plan was developed and adopted. The nodal development plan provided a planning guide to create a safe, pedestrian and transit-friendly neighborhood while considering the existing land use pattern, undeveloped land and natural and historic resources.

On November 12, 2002, Eugene City Council approved the design and authorized City staff to proceed with right of way acquisition and bidding for the proposed needed improvements to Garden Way and to begin implementation of the Chase Gardens Nodal Development Plan.

On October 2, 2003, Lane County Boundary Commission held a public hearing on the annexation of the existing and proposed Garden Way right of way. The Boundary Commission took no action due to the lack of having a quorum. Therefore, automatic approval of the annexation will become effective December 1, 2003 (90 days from application submittal). The City will seek surrender of County right of way following the annexation.

Bidding is planned to occur early next year, with construction anticipated to occur during the spring and summer of the same year (2004).

C. Analysis

The project includes full urban improvements, including two travel lanes, a center turn lane for a portion of the project and landscaped medians for the remainder, curbs and gutters and sidewalks and other amenities.

In addition, Garden Way will be realigned to address the hazardous 90-degree curves and the safety issues at the intersection with Martin Luther King Jr. Boulevard. Traffic signal modifications will also be made at the intersection of Garden Way and Martin Luther King Jr. Boulevard.

EWEB will be improving both power and water facilities by placing existing primary overhead power underground and providing additional water service. The main concrete tower distribution power will remain overhead.

Per City of Eugene policy, all properties adjacent to an unimproved street that is proposed to be improved to City standards are required to participate in the improvement costs. Assessments and Systems Development Charges (SDCs) are the primary sources of funding for the Garden Way improvements. The current budget estimated for this project indicates that the City share of the project is approximately \$2,300,000 and the assessable share is \$1,000,000. Of the \$1,000,000 in assessable costs, approximately 45% are proposed assessments outside the City of Eugene boundaries.

Ten (10) properties adjacent to the proposed improvement are outside the City of Eugene boundaries which requires, per ORS 223.878, the Lane County Board of Commissioners approve the improvement and the assessment of properties outside the city.

Attached and shown as Exhibit A are the estimated assessment amounts for each parcel in County jurisdiction. Each assessment has 3 components; 1) On Hold Wastewater (WW) Assessment, 2) Assessment and 3) Equivalent or Delayed Assessment. The On Hold WW Assessment will be due at the time the wastewater line in Garden Way becomes active and when the property owner decides to connect to the sewer after annexation. The Assessment Amount is the amount due soon after construction has been completed and the Equivalent or Delayed Assessment is due when the property owner takes out a permit for new development on the remainder of the parcel, outside the 100 feet of frontage occupied by the existing dwelling, pursuant to policies set forth in Resolution No. 00-8-9-1.

C. Alternatives/Options

1. Approve the improvement of Garden Way and authorize City of Eugene to assess benefiting properties outside city limits for Garden Way street improvements.
2. Do not authorize City of Eugene to assess properties outside the city limits.

D. Recommendations

It is hereby recommended the improvement of Garden Way be approved and that the City of Eugene be authorized to assess properties outside city limits for Garden Way improvements.

IV. IMPLEMENTATION/FOLLOW-UP

Upon approval of the Resolution and Order by the Board, the City of Eugene will include those properties outside city limits in the Garden Way Local Improvement District and assess in accordance with its recently adopted assessment code.

V. ATTACHMENTS

Exhibit A
Exhibit B

IN THE BOARD OF COMMISSIONERS OF LANE COUNTY
STATE OF OREGON

RESOLUTION & ORDER NO.

(IN THE MATTER OF APPROVING
(IMPROVEMENTS TO GARDEN WAY AND
(AUTHORIZING THE CITY OF EUGENE TO
(ASSESS OUTSIDE CITY LIMITS FOR STREET
(IMPROVEMENTS TO GARDEN WAY.

WHEREAS, the City of Eugene plans to improve Garden Way from Martin Luther King Jr. Boulevard to Sisters View Avenue during the summer of 2004; and

WHEREAS, proposed for inclusion in the assessable project are ten properties that fall outside Eugene city limits. These properties are proposed to be part of the City of Eugene's proposed Garden Way Local Improvement District (LID); and

WHEREAS, per ORS 223.878, cities may assess outside city limits for local street improvements subject to certain conditions. For assessment purposes, properties outside city limits must be treated in the same manner as those within city limits and have the same rights and remedies; and

WHEREAS, the Board resolved by Resolution No. 00-8-9-1, the policy concepts proposed by the Roads Advisory Committee for use by the City of Eugene for assessment of City road improvements to benefiting properties outside the City; and

WHEREAS, per ORS 223.878, Lane County, by resolution, must approve the improvement and assessments against benefiting properties that fall outside city limits. The estimated assessment against the ten properties is shown on the attached exhibit; **NOW THEREFORE BE IT**

ORDERED AND RESOLVED that Lane County approve the improvement of Garden Way, and

BE IT FURTHER ORDERED AND RESOLVED, that the City of Eugene is authorized to assess the benefiting properties described as Tax Lots 17-03-33-12-00802, 17-03-28-40-01800, 17-03-28-40-00103, 17-03-28-40-01900, 17-03-28-40-02000, 17-03-28-40-02103, 17-03-28-40-00100, 17-03-28-40-02200, 17-03-28-40-01101 and 17-03-28-40-00102 for improvements to Garden Way in accordance with ORS 223.878 and the recently adopted City of Eugene assessment code (Chapter 7) provisions, and

BE IT FURTHER ORDERED that the assessments hereby authorized are limited to those amounts consistent with the policy previously set forth in said Resolution No. 00-8-9-1.

DATED this _____ day of _____, 2003.

Peter Sorenson, Chair
Lane County Board of Commissioner

APPROVED AS TO FORM

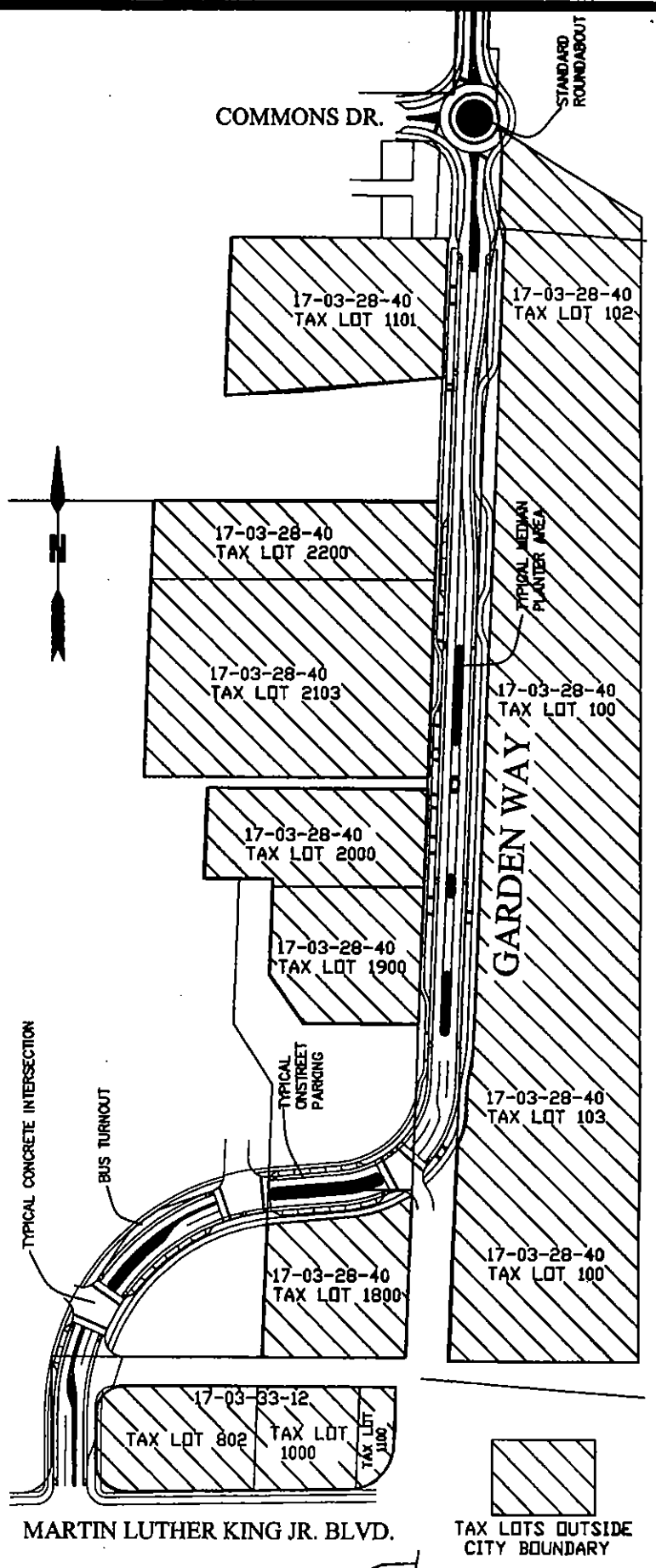
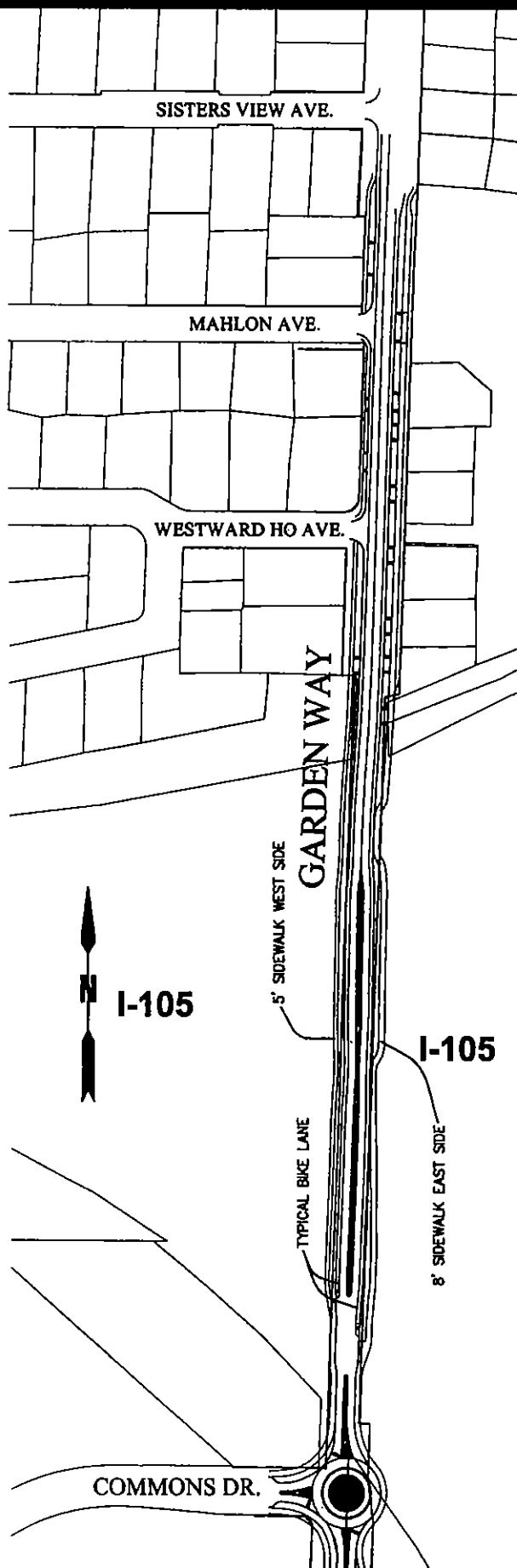
Date 12-2-03 Lane County

OFFICE OF LEGAL COUNSEL

GARDEN WAY STREET IMPROVEMENTS

COUNTY ASSESSABLE ACCOUNTS										Exhibit A	
SEQUEN CE NO	SPA ACCT ID	TAX MAP NO	TAX LOT NO	PROPERTY OWNER	ON HOLD WW ASSESSMENT	ASSESSMENT	EQUIVALENT OR DELAYED ASSESSMENT	TOTAL ASSESSMENTS			
10		17033312	802	GORMAN RICHARD E D C	\$ 15,000.00	\$ 16,500.00	\$ -	\$ 16,500.00			
40		17032840	1800	WHITE THOMPSON E	\$ 23,500.00	\$ 24,500.00	\$ -	\$ 24,500.00			
50		17032840	103	WYLIE GORDON K & LINDA	\$ 21,500.00	\$ 8,000.00	\$ 6,000.00	\$ 35,500.00			
60		17032840	1900	ROBINSON JEAN	\$ 18,000.00	\$ 8,000.00	\$ 7,000.00	\$ 33,000.00			
70		17032840	2000	ROBINSON JEAN CHASE	\$ 14,000.00	\$ 8,000.00	\$ 3,000.00	\$ 25,000.00			
80		17032840	2103	CHASE DAVID L & LYNN F	\$ 24,000.00	\$ 8,000.00	\$ 13,000.00	\$ 45,000.00			
90		17032840	100	WYLIE GORDAN K & LINDA	\$ 60,000.00	\$ 8,000.00	\$ 43,000.00	\$ 111,000.00			
100		17032840	2200	BRENAMAN J RALPH TE	\$ 12,000.00	\$ 8,000.00	\$ 550.00	\$ 20,550.00			
110		17032840	1101	THOMPSON VANESSA M & JERRY E	\$ 18,000.00	\$ 8,000.00	\$ 7,000.00	\$ 33,000.00			
120		17032840	102	WYLIE GORDON K & LINDA	\$ 35,000.00	\$ -	\$ 31,000.00	\$ 66,000.00			
TOTALS					\$ 241,000.00	\$ 97,000.00	\$ 110,550.00	\$ 448,550.00			

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GARDEN WAY
REALIGNMENT AND IMPROVEMENTS

CITY OF EUGENE
 PUBLIC WORKS ENGINEERING
 NOVEMBER 2003



Exhibit B