

Memorandum Date: July 14, 2008, 2008
Order Date: July 30, 2008

W.3.E.2.

TO: Board of County Commissioners

DEPARTMENT: Public Works

PRESENTED BY: Frank Simas, Right of Way Manager

AGENDA ITEM TITLE: IN THE MATTER OF ACCEPTING THE DIRECTOR'S REPORT FOR ESTIMATED ASSESSMENTS FOR THE REPLACEMENT OF THE WEST FORK COYOTE CREEK BRIDGE ON BIGGS ROAD (A LOCAL ACCESS ROAD)

I. MOTION

Move approval of the Order.

II. AGENDA ITEM SUMMARY

By Order 08-7-23-4 on July 23, 2008, the Board Approved the Design Recommendation for the replacement of the West Fork Coyote Creek Bridge on Biggs Road (a Local Access Road) and Ordered that the Director of the Public Works Department investigate the proposed improvements and present a report to the Board containing the estimated costs as specified in ORS 371.625.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

At the meeting of February 20, 2008 the Board directed Public Works staff to investigate the proposed costs of replacing the existing bridge on Biggs Road over the West Fork of Coyote Creek with a new flatcar bridge and to proceed with plans and specifications and to report back when the plans and permitting were substantially complete with an updated cost and a schedule for completion of the work. As the initial design work progressed, it became apparent that a concrete slab bridge on new pilings would provide both increased load capacity and longer service life at very similar cost to the flatcar bridge.

The Board has indicated a willingness to share in the cost of the replacement bridge on a 50%-50% basis, and directed that before staff proceeds with design and permitting, the benefiting property owners were to commit in writing in the form of Irrevocable Petitions for Public Improvement to share the cost with Lane County up to a maximum of \$15,000 per property for the 5 property owners, based on an initial estimated cost for the replacement bridge of no more than \$150,000.

Based on the plans as currently developed, the revised Engineer's Estimate for the construction of the replacement bridge ranges from \$145,870 to \$180,000; with the range depending on the type of materials (new or used) for the bridge beams, and the amount of materials and services provided in-kind by the County (guard rails). Per the improvement petitions signed by each of the 5 benefiting owners based on a construction cost of \$150,000, up to \$75,000.00 will be assessed to the specially benefiting owners in accordance with Order 08-7-23-4.

County staff and Commissioner Fleenor met on July 2nd with the five property owners. There was

unanimous agreement to proceed with the project, by applying all cost saving ideas in order to get the final construction cost close to \$150,000. They were also informed that final assessments may exceed the previously identified \$15,000 each, since final costs are unknown at this time. They understand that the cost sharing by the County will be 50% - 50%, and that the County will continue to pay for all design, permits, and other in-house costs as identified in this memo.

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 property owners on a uniform basis as determined by the Board. In this case, the County has agreed to share in the cost of the replacement bridge on a 50%-50% basis, and residents have signed an Irrevocable Petition for Public Improvements assuming a maximum bridge cost of \$150,000.

C. Board Goals

This project is related to the County Goal of "Protection of the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure", and contributing to appropriate community development in the areas of transportation and telecommunications infrastructure, housing, growth management and land development. Although not a written policy, the Board has assumed a 50%-50% cost share with the local residents on this Local Access Road bridge.

D. Financial and/or Resource Considerations

By Order 08-7-23-4, the Board approved the design recommendation for the bridge, which outlines expected costs to range from \$150,000 to \$180,000. Each of the 5 benefiting owners has signed Irrevocable Petitions for Public Improvement indicating willingness to be assessed at a maximum of \$15,000. If final construction costs are higher than \$150,000, then the County will share in the cost of a replacement bridge on a 50% - 50% basis, and the benefiting property owners may have final assessments greater than the previously assumed \$15,000 each should the Board approve those assessments by a subsequent Board Order. Amounts owing for the assessments are due and payable within 30 days after the amounts of the final assessments are certified, and as provided by ORS 223.210, affected owners may apply for payment in installments.

It is Lane County policy that special assessments to abutting properties (usually curbs, gutters and sidewalks) that are either deferred or paid in installments accrue interest at a rate equal to prime plus 3%, which calculates to 8% as of June 26, 2008. A somewhat lower rate of interest was requested and discussed at a February 19, 2008 meeting between the residents, Public Works Staff and two commissioners (Fleenor and Dwyer). This requested rate was derived by adding 2% to the 11th District Cost of Funds Index, (frequently used as a benchmark in setting home equity lines of credit and credit card rates) which as of June 26, 2008 calculates to 5.11%.

Amounts owing bear interest at the rate set by the Board and may be paid over a 10 year period,

consistent with Lane County Policy. Lane Code does not provide for any deferrals of assessment levied in connection with bridge replacements or improvement on Local Access Roads.

E. Analysis

The acceptance of the Order will direct Public Works staff to mail to the owner of each parcel of land to be assessed for the improvement, a written notice of the acceptance of the Director's Report, the estimated cost of the improvements, the estimated amount of the assessment against each parcel and notice of the beginning of a 20-day remonstrance period, with reasons for opposition to be submitted in writing. All parcels proposed to be assessed in connection with this project are encumbered by Irrevocable Petitions for Public Improvement that encumber the land and its owner with an agreement not to challenge or remonstrate against the formation of a local improvement district.

Property owners will be advised that if the improvements are directed to be made following the remonstrance period, the land described in the Order will be subject to a lien of an assessment for the cost of the improvement in the amount of \$15,000.00 per parcel. Property owners will also be advised that if final construction costs are higher than \$150,000, then the County will share in the cost of a replacement bridge on a 50% - 50% basis, and the benefiting property owners may have final assessments greater than the previously assumed \$15,000 each

F. Alternatives/Options

1. Accept the Director's Report.
2. Reject the Director's Report and forego the revenue from the assessments of approximately \$75,000.00 for the proposed improvements.

IV. TIMING/IMPLEMENTATION

Upon approval, staff will mail the required notices to affected property owners to begin the 20-day remonstrance period.

V. RECOMMENDATION

Approve the Order accepting the Director's Report.

VI. FOLLOW-UP

Once the remonstrance period has elapsed, staff will report back to the Board regarding any remonstrances that were received.

VII. ATTACHMENTS

Director's Report
Exhibit A

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

ORDER NO.

(**IN THE MATTER OF ACCEPTING THE**
(**DIRECTOR'S REPORT FOR ESTIMATED**
(**ASSESSMENTS FOR REPLACEMENT OF**
(**THE WEST FORK COYOTE CREEK BRIDGE**
(**ON BIGGS ROAD (A LOCAL ACCESS ROAD)**

WHEREAS, the Design Recommendation for the replacement of the West Fork Coyote Creek Bridge on Biggs Road (a Local Access Road), has been approved by the Board pursuant to Order 08-7-23-4 on July 23, 2008; and

WHEREAS, the Board approved the Design Recommendation for said bridge and directed that staff complete the preparation of plans and specifications for the replacement of said bridge; and

WHEREAS, the Board, by Order 08-7-23-4, did resolve that the bridge replacement was approved and that said project was authorized as a single project and not a continuing program; and ordered that the Director of the Public Works Department investigate the proposed improvements and present a report containing the estimated cost of said improvements to the Board as specified in ORS 371.625; and

WHEREAS, each of the 5 benefiting owners has signed Irrevocable Petitions for Public Improvement indicating willingness to be assessed at a maximum of \$15,000 per property owner which was based on the initial estimated total project cost of \$150,000, which has now been revised based on the Engineer's estimate to range from \$145,870 to \$180,000; and

WHEREAS, a meeting was held with the residents on July 2, 2008 to review the design recommendation and costs, evaluate cost-saving measures in order to get the final construction cost close to \$150,000, and disclose to the residents that final costs may be higher than \$150,000 depending on the final project bid; and

WHEREAS, the Board has indicated a willingness to share in the cost of a replacement bridge on a 50% - 50% basis, and the benefiting property owners may have final assessments greater than the previously-assumed \$15,000 each should the Board certify the final assessments by a subsequent Board Order once the actual cost of the improvements is known; and

WHEREAS, ORS 368.030 requires that the Board shall spend funds on a local access road only if it determines that the work is an emergency or if:

- a) The county road official recommends the expenditure;
- b) The public use of the road justifies the expenditure proposed; and
- c) The county governing body enacts an order or resolution authorizing the work and designating the work to be either a single project or a continuing program; and

WHEREAS, the Board finds that the public use of the road by local residents, delivery vehicles and emergency service providers justifies the expenditure proposed out of the Road Fund, which has

been recommended by the County Engineer and which has been designated as a single project and not as a continuing program pursuant to said Order 08-7-23-4.

NOW THEREFORE, BE IT

ORDERED, that the expenditure of County Road Funds in an amount not to exceed \$180,000 is hereby authorized for this bridge replacement, subject to the county implementing cost saving measures to try to meet the \$150,000 cost target, and subject to the Board award of the construction contract to the successful bidder; **AND BE IT**

FURTHER ORDERED that the attached Director's Report dated June 26, 2008 prepared in accordance with said ORS 371.625, be accepted, including the assessment procedures contained therein and that the Director of Public Works Department be directed to cause to be mailed to the owners of each parcel of land to be assessed for the improvement, a written notice of the favorable report, the estimated cost of the improvements and the estimated amount of the assessment against each parcel. Owners shall be required to file written notice of their objection, if any, to the proposed improvements within 20 days following the mailing of the notice.

DATED this _____ day of _____, 2008.

Chair,
Board of County Commissioners

APPROVED AS TO FORM

Date 7-21-08 lane county


OFFICE OF LEGAL COUNSEL

To: Board of County Commissioners
Lane County Public Service Building
125 E. 8th Avenue
Eugene, OR 97401

Date: June 26, 2008

From: Marsha A. Miller, Director
Department of Public Works

Subject: Director's Report on the Assessments for the Replacement of the West Fork Coyote Creek Bridge on Biggs Road (a Local Access Road)

By Order 08-7-23-4, the Board approved the Design Recommendation for the replacement of the West Fork Coyote Creek Bridge on Biggs Road (a Local Access Road) consisting of: A single lane, 16-foot wide, 60-foot long bridge, using pre-stressed concrete slabs on a steel tip foundation, new asphalt decking and approaches, and used guardrail.

The above Order directed that staff: proceed with the completion of the plans and specifications for said bridge replacement and, pursuant to said Order, I am reporting as specified in ORS 371.625 on the Estimated Assessments (as shown on the attached Exhibit A, and made a part hereof) as follows:

The estimated total cost of the Road Fund-eligible improvements is approximately \$150,000, with \$75,000 being assessable to the abutting property owners.

If final construction costs are higher than \$150,000, then the County will share in the cost of a replacement bridge on a 50% - 50% basis, and the benefiting property owners may have final assessments greater than the previously assumed \$15,000 each should the Board approve those assessments by a subsequent Board Order.

The cost of the assessable improvements shall be assessed to the benefiting properties in accordance with the Lane County Special Assessment Policy as outlined in Lane Code Chapter 15 and ORS 371.625 through 371.640. No Assessment deferrals will be applied to the final assessments.

The description and Total Lane County Assessed Value for the 2007 Tax Year of each parcel proposed to be assessed, with the names of the record owner(s) thereof are as follows, beginning on page 2.

DATED this _____ day of _____, 2008

Respectfully submitted,



Marsha A. Miller
Director of Public Works

The above report is hereby accepted by the Board of County Commissioners of Lane County, Oregon.

DATED this _____ day of _____, 2008.

Chair, Lane County Board of Commissioners

Owners of Record

West Fork Coyote Creek Bridge on Biggs Road

Parcel Number	Name and Address	Deed Reference(s) and Tax Lot Number	Total Lane County Assessed Value 2007 Tax Year
8043-01	Fogus, Lynn M. and Lynn C.	18-05-05-00-00610	\$239,012
8043-02	McGowan, Kenneth E. and Sharon Luann	18-05-05-00-00507	\$175,008
8043-03	Engholm, David and Tracy	18-05-05-00-01200	\$237,524
8043-04	Landstra, Norman H. and Beverly Jean	18-05-05-00-01102	\$75,731
8043-05	Merchen, Debra L.	18-05-05-00-01104	\$65,739

R/W Parcel #	Name	Address	Recorder's Reception #	TRS	TL	Estimated Assessment
8043-01	Fogus, Lynn M. and Lynn C.	87545 Biggs Road Veneta, OR 97487	RR 1989/50174	18-05-05-00	610	\$15,000.00
8043-02	McGowan, Kenneth E. and Sharon Luann	87538 Biggs Road Veneta, OR 97487	RR 1996/9318	18-05-05-00	507	\$15,000.00
8043-03	Engholm, David and Tracy	87520 Biggs Road Veneta, OR 97487	RR 1999/79057	18-05-05-00	1200	\$15,000.00
8043-04	Landstra, Norman H. and Beverly Jean	P.O. Box 905 Veneta, OR 97487	RR 1995/8302	18-05-05-00	1102	\$15,000.00
8043-05	Merchen, Debra L.	87417 Biggs Road Veneta, OR 97487	RR 2001/6605	18-05-05-00	1104	\$15,000.00

West Fork Coyote Creek Bridge-Biggs Road

Lane County Department of Public Works
Estimated Property Assessment Schedule

Exhibit A
6/25/08