

W. 4. B. 1.

Memorandum Date: January 15, 2009
Order Date: February 11, 2009

TO: Board of County Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Frank Simas, Right of Way Manager
AGENDA ITEM TITLE: In the Matter of Setting a Public Hearing for the Purpose of Hearing Objections to Final Assessments for Replacement of the West Fork Coyote Creek Bridge on Biggs Road (A Local Access Road).

I. MOTION

THAT THE ORDER BE ADOPTED AUTHORIZING SETTING OF A PUBLIC HEARING FOR THE PURPOSE OF HEARING OBJECTIONS TO FINAL ASSESSMENTS FOR THE REPLACEMENT OF THE WEST FORK COYOTE CREEK BRIDGE ON BIGGS ROAD (A LOCAL ACCESS ROAD) .

II. AGENDA ITEM SUMMARY

Lane County has completed the replacement of the above-referenced bridge, and a public hearing needs to be scheduled for hearing of objections to final assessments for this project.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

The Director's report for Estimated Assessments for Replacement of the West Fork Coyote Creek Bridge on Biggs Road, including the estimated assessments of improvements was accepted by Order 08-7-30-5, and benefiting properties were declared subject to a lien by Order No. 08-8-27-2.

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

Pursuant to Order 08-7-30-5 the Board indicated a willingness to share in the cost of a replacement bridge on a 50%-50% basis, and the owners of the five benefiting properties have signed Irrevocable Petitions for Public Improvement wherein they have agreed to pay an aggregate of up to \$75,000 in project costs up to a maximum of \$15,000 per benefitted Tax Lot.

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 benefiting property owners be set at \$75,000, and that upon payment of the assessment this amount be returned to the Road Fund.

IV. Analysis

Construction of replacement of the West Fork Coyote Creek Bridge on Biggs Road, has now been completed and inspected and, in accordance with ORS 371.640, was approved as constructed for the purpose of levying final assessments by the County Engineer on January 21, 2009, and in accordance with Lane Manual Chapter 21.105(5), the Public Works Director accepted the project for the purpose of levying final assessments on January 22, 2009.

The amounts of the final assessments have now been determined as set forth in the attached Exhibit "A". Assessments will be levied to the abutting 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. Approve the Order setting the date for a public hearing to be March 18, 2009 at 1:30 PM.
2. Deny the Order and direct staff otherwise.

VI. TIMING/IMPLEMENTATION

If the Board approves the Order, notice of the public hearing and the itemized final assessment amounts will be sent to the benefiting property owners as required.

VII. RECOMMENDATION

Option 1.

VIII. FOLLOW-UP

Once the Public Hearing has been completed, Public Works staff will propose an Order for the Board's consideration certifying the final assessment amounts.

IX. ATTACHMENTS

Exhibit "A" – Final Property Assessment Summary

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

ORDER NO.

(**IN THE MATTER OF SETTING A PUBLIC
(HEARING FOR THE PURPOSE OF HEARING
(OBJECTIONS TO FINAL ASSESSMENTS
(FOR 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 21, 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, the Board, by Order 08-7-23-4, indicated a willingness to share in the cost of a replacement bridge on a 50%-50% basis, provided that the benefiting owners consent to the levying of assessments on their respective properties in an aggregate amount not to exceed \$75,000 or \$15,000 per benefitting property 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, in accordance with ORS Chapter 371 and Lane Code Chapter 15, the Lane County Public Works Director has submitted the attached Exhibit "A" with regard to the cost of improvements and the amount to be assessed to each parcel of land benefiting from the improvements as her report; **NOW THEREFORE**

BE IT ORDERED that a public hearing be held for the purpose of hearing objections to said Final Assessments for West Fork Coyote Creek Bridge on Biggs Road (A Local Access Road) as shown in the attached Exhibit "A". The public hearing will be conducted on Wednesday, March 18, 2009 at 1:30 p.m. in Harris Hall at the Lane County Public Service Building, 125 East 8th Avenue, Eugene, Oregon.

DATED this _____ day of _____, 2009.

APPROVED AS TO FORM:

Date 1-30-09 Lane County.


OFFICE OF LEGAL COUNSEL

Chair,
Board of County Commissioners

West Fork Coyote Creek Bridge- Biggs Road

The Final Assessment Amount for this Property is as Follows:

R/W Parcel #	Name	Address	Recorder's Reception	TRS	TL	
8043-01	Fogus, Lynn M. and Lynn C.	87545 Biggs Road VENETA, OR 97487	RR 1989/50174	18-05-05-00	#610	
	Construct Bridge Replacement	1.00 L.S.	\$15,000.00	\$0.00	\$0.00	\$15,000.00
			\$15,000.00	\$0.00	\$0.00	\$15,000.00
	Totals:		\$15,000.00	\$0.00	\$0.00	\$15,000.00
						Total: \$15,000.00

Final Property Assessment Schedule

R/W Parcel #	No. Of Units Placed	Name	Address	Recorder's Reception	TRIS	Line Item	Line Total
8043-01		Fogus, Lynn M. and Lynn C.	87545 Biggs Road VENETA, OR 97487	RR 1989/50174	18-05-05-00		
	1.00	L.S.	\$15,000.00	\$0.00	\$15,000.00	\$0.00	\$15,000.00
			\$15,000.00	\$0.00	\$15,000.00	\$0.00	\$15,000.00
			Totals:				\$15,000.00
							Total: \$15,000.00

R/W Parcel #	Name	Address	Recorder's Reception	TRIS	TL
8043-02	McGowan, Kenneth E. and Sharon Luann	87538 Biggs Road VENETA, OR 97487	RR 1898/931850174	18-05-05-00	#507
	1.00	L.S.	\$15,000.00	\$0.00	\$15,000.00
			\$15,000.00	\$0.00	\$15,000.00
			Totals:		\$15,000.00
					Total: \$15,000.00

R/W Parcel #	Name	Address	Recorder's Reception	TRIS	TL
8043-03	Engholm, David and Tracy	87520 Biggs Road VENETA, OR 97487	RR 1989/78507	18-05-05-00	#1200
	1.00	L.S.	\$15,000.00	\$0.00	\$15,000.00
			\$15,000.00	\$0.00	\$15,000.00
			Totals:		\$15,000.00
					Total: \$15,000.00

R/W Parcel #	Name	Address	Recorder's Reception	TRIS	TL
8043-04	Landstra, Norman H. and Beverly Jean	P. O. Box 905 VENETA, OR 97487	RR 1983/6302	18-05-05-00	#1102
	1.00	L.S.	\$15,000.00	\$0.00	\$15,000.00
			\$15,000.00	\$0.00	\$15,000.00
			Totals:		\$15,000.00
					Total: \$15,000.00

R/W Parcel #	Name	Address	Recorder's Reception	TRIS	TL
8043-05	Merchen, Debra L.	87417 Biggs Road VENETA, OR 97487	RR 2001/6605	18-05-05-00	#1104
	1.00	L.S.	\$15,000.00	\$0.00	\$15,000.00
			\$15,000.00	\$0.00	\$15,000.00
			Totals:		\$15,000.00
					Total: \$15,000.00