

**CITY OF TIGARD, OREGON**  
**TIGARD CITY COUNCIL**  
**RESOLUTION NO. 11- 05**

A RESOLUTION ESTABLISHING SANITARY SEWER REIMBURSEMENT DISTRICT NO. 42  
(SW 100<sup>TH</sup> AVENUE)

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WHEREAS, the City has initiated the Citywide Sanitary Sewer Extension Program to extend public sewers and recover costs through reimbursement districts in accordance with TMC Chapter 13.09; and

WHEREAS, the property owners of proposed Sanitary Sewer Reimbursement District No. 42 (SW 100<sup>th</sup> Avenue) have been notified of a public hearing in accordance with TMC 13.09.060 and a public hearing was conducted in accordance with TMC 13.09.050; and

WHEREAS, the City Engineer has submitted a report describing the improvements, the area to be included in the reimbursement district, the estimated costs, a method for spreading the cost among the parcels within the district, and a recommendation for an annual fee adjustment; and

WHEREAS, the City Council has determined that the formation of a reimbursement district as recommended by the City Engineer is appropriate.

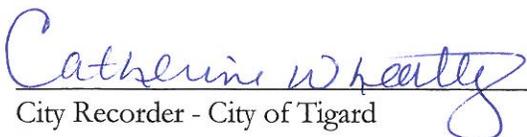
NOW, THEREFORE, BE IT RESOLVED by the Tigard City Council that:

- SECTION 1: The City Engineer's report titled "Sanitary Sewer Reimbursement District No. 42," attached hereto as Exhibit A, is hereby approved.
- SECTION 2: A reimbursement district is hereby established in accordance with TMC Chapter 13.09. The District shall be the area shown and described in Exhibit B. The district shall be known as "Sanitary Sewer Reimbursement District No. 42."
- SECTION 3: Payment of the reimbursement fee, as shown in Exhibit A, is a precondition of receiving City permits applicable to development of each parcel within the reimbursement district as provided for in TMC 13.09.110.
- SECTION 4: An annual fee adjustment, at a rate recommended by the Finance Director, shall be applied to the reimbursement fee.
- SECTION 5: The City Recorder shall cause a copy of this resolution to be filed in the office of the County Recorder and shall mail a copy of this resolution to all affected property owners at their last known address, in accordance with TMC 13.09.090.
- SECTION 6: This resolution is effective immediately upon passage.

PASSED: This 25<sup>th</sup> day of January 2011.

  
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Mayor - City of Tigard

ATTEST:

  
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City Recorder - City of Tigard

**Exhibit A**  
City Engineer's Report  
**Sanitary Sewer Reimbursement District No. 42**  
**(SW 100<sup>th</sup> Avenue)**

Background

This project will be constructed and funded under the Citywide Sanitary Sewer Extension Program. Under the program, the City of Tigard installs public sewers to each lot within an established reimbursement district. At the time of connecting to the public sewer, the property owner:

- Pays a connection and inspection fee, currently \$4,135.
- Reimburses the City for the owner's share of the sewer installation.
- Is responsible for any plumbing modifications to connect to the public sewer.
- Is responsible for disconnecting the owner's existing septic system in accordance with Washington County regulations.

There is no requirement to connect to the sewer or pay any fee until connection is made.

Project Area - Zone of Benefit

Serving the 23 lots in the following table requires extending an existing sewer in SW 100<sup>th</sup> Avenue through an easement connecting to SW View Terrace. No further extension of this line will be required. The surrounding area is completely served with sewer.

The proposed project would provide sewer service to a total of 23 lots within the proposed reimbursement district as shown on Exhibit B to the proposed resolution.

Cost

The estimated cost to provide sanitary sewers to the 23 lots is \$554,785.

Construction		\$470,397
Purchasing Easements		\$20,885
Engineering and Inspection *		\$63,503
<b>Total</b>		<b>\$554,785</b>

\* 13.5 percent as defined in TMC 13.09.040(1)

This is the estimated amount that will be reimbursed to the sanitary sewer fund as property owners connect to the sewer and pay their share of the project costs. However, the actual amount each property owner pays may be affected by the property owner's participation in the City's early connection incentive program.

In addition to sharing the cost of the public sewer, each property owner will be required to pay a connection and inspection fee, currently \$4,135, upon connection to the public line.

Owners will be responsible for all plumbing costs required for work done on private property.

#### Reimbursement Rate

All but three of the northernmost properties in the proposed district are zoned R3.5. The remaining three properties are zoned R12 but are expected to receive similar benefits. Consequently, applying the same method of assigning costs to all lots within the district is proposed. Lot size varies from about 14,300 to 57,000 square feet as shown in the attached Estimated Cost to Property Owners list. Therefore, it is recommended that the total cost of the project be divided among the properties proportional to the square footage of each property.

Other reimbursement methods include dividing the cost equally among the owners or by the length of frontage of each property. These methods are not recommended because there is no correlation between these methods and the cost of providing service to each lot or the benefit to each lot.

**Each property owner's estimated fair share of the public sewer line is \$0.95008 per square foot of lot served. In accordance with Resolution No. 01-46, owners who complete their connection within three years of City Council approval of the Final City Engineer's report are eligible for incentives. Under these incentives, each owner's share would be limited to \$6,000, to the extent that this share does not exceed \$15,000. In addition to paying for the first \$6,000, owners are responsible for paying all actual costs that exceed \$15,000. Upon request, payment of costs that exceed \$15,000 may be deferred until the lot is developed, as provided by Resolution No. 03-55.**

#### Annual Fee Adjustment

TMC 13.09.115 states that an annual percentage rate shall be applied to each property owner's share of the public sewer costs on the anniversary date of the reimbursement agreement. The Finance Director has set the annual interest rate at 6.05% as stated in Resolution No. 98-22.

#### Recommendation

It is recommended that a reimbursement district be formed with an annual fee increase as indicated above and that the reimbursement district continue for fifteen years as provided in Tigard Municipal Code (TMC) 13.09.110(5). Fifteen years after the formation of the reimbursement district, properties connecting to the sewer would no longer be required to pay the reimbursement fee.

Submitted January 10, 2011

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**Theodore S. Kyle, P.E.**  
City Engineer

**100TH AVENUE**  
**Reimbursement District No. 42**

*Estimated Cost to Property Owners*

*January 4, 2011*

	OWNER	SITE ADDRESS	TAX LOT ID	AREA (S.F.)	AREA (AC)	ESTIMATED REIMBURSEMENT FEE	ESTIMATED AMOUNT TO BE PAID BY OWNER	AMOUNT TO BE PAID BY CITY	AMOUNT THAT CAN BE DEFERRED BY OWNFR
1	PETERSEN, DAVID	14085 SW 100TH	2S111BB00300	13,400	0.308	\$12,731	\$6,000	\$6,731	\$0
2	RIVER PRESERVATION LLC	14135 SW 100TH	2S111BB00400	32,551	0.747	\$30,926	\$21,926	\$9,000	\$15,926
3	RANDALL, MARIA L	14130 SW 100TH AVE	2S111BA00805	31,690	0.728	\$30,108	\$21,108	\$9,000	\$15,108
4	RUEDY, ROBERT E	14185 SW 100TH AVE	2S111BB00500	49,518	1.137	\$47,046	\$38,046	\$9,000	\$32,046
5	DOERING, JOSHUA N & ANGIE L	14170 SW 100TH AVE	2S111BA00802	31,828	0.731	\$30,239	\$21,239	\$9,000	\$15,239
6	FAST CASH HOUSE BUYERS LLC	14220 SW 100TH AVE	2S111BA00801	24,664	0.566	\$23,432	\$14,432	\$9,000	\$8,432
7	SMITH, SHELLEY A & ENGWEILER, GLENN	14270 SW 100TH AVE	2S111BA00807	24,788	0.569	\$23,550	\$14,550	\$9,000	\$8,550
8	COLLING, JOYCE C	EMPTY LOT	2S111BB00600	56,798	1.304	\$53,963	\$44,963	\$9,000	\$38,963
9	KASTEL, CHARLES G & MARY J TRS	14259 SW 100TH AVE	2S111BB01100	41,347	0.949	\$39,283	\$30,283	\$9,000	\$24,283
10	BIRNEY, JEFFREY D & NORIKO	14265 SW 100TH AVE	2S111BB00800	15,283	0.351	\$14,520	\$6,000	\$8,520	\$0
11	KARR, EVELYN E REV LIV TRUST	14280 SW 100TH AVE	2S111BA00900	35,158	0.807	\$33,403	\$24,403	\$9,000	\$18,403
12	POLIVKA, JON & CAMPBELL-POLIVKA, HOLLY M	14305 SW 100TH	2S111BB00700	15,207	0.349	\$14,448	\$6,000	\$8,448	\$0
13	JONES, VERNON G & COLLEEN D	14320 SW 100TH AVE	2S111BA02300	14,334	0.329	\$13,618	\$6,000	\$7,618	\$0
14	LEE, SAMUEL & KYUNG	14345 SW 100TH	2S111BC00100	55,129	1.266	\$52,377	\$43,377	\$9,000	\$37,377
15	UM, EUNKYU C & KWANG Y	10150 SW VIEW TER	2S111BC01300	15,127	0.347	\$14,372	\$6,000	\$8,372	\$0
16	BOGERT, MARK H & MARY E	14445 SW 100TH	2S111BC00200	20,457	0.470	\$19,436	\$10,436	\$9,000	\$4,436
17	HOWSE, DIANNA L & ONRELAS, STEVE F	14415 SW 100TH	2S111BC00300	16,046	0.368	\$15,245	\$6,245	\$9,000	\$0
18	PHILLIPS, AMY & LINN, JEREMY J	10220 SW VIEW TER	2S111BC01100	15,034	0.345	\$14,284	\$6,000	\$8,284	\$0
19	SEARS, ALLEN C	10190 SW VIEW TER	2S111BC01200	15,029	0.345	\$14,278	\$6,000	\$8,278	\$0
20	BAUMAN, WAYNE & MARY	10270 SW VIEW TER	2S111BC01000	15,246	0.350	\$14,485	\$6,000	\$8,485	\$0
21	BUEHLER, GREGORY & SARA L.	10145 SW VIEW TER	2S111BC01400	15,246	0.350	\$14,485	\$6,000	\$8,485	\$0
22	MUDROW, MICHAEL & DIANE C.	10185 SW VIEW TER	2S111BC01500	14,810	0.340	\$14,071	\$6,000	\$8,071	\$0
23	PROUTY, JAASON & AMY E	10225 SW VIEW TER	2S111BC01600	15,246	0.350	\$14,485	\$6,000	\$8,485	\$0
<b>Totals</b>				<b>583,936</b>	<b>13.41</b>	<b>\$554,785</b>	<b>\$357,008</b>	<b>\$197,776</b>	

Except for the maximum amount of \$9,000 to be paid by the City, all the fees are estimated at this time. The final fee to be paid by each property owner will be determined once the construction is complete and final costs are recalculated to reflect actual project costs. The final fee will be specified in the City Engineer's report, which will be submitted to City Council for approval upon completion of the construction.

The amount that each owner will be required to pay is limited to \$6,000.00 for connections completed within three years of City Council approval of the final cost.

In addition to \$6,000, owners will also be required to pay any fair share amounts that exceed \$15,000.00. The reimbursement fee of \$9,000.00 (the difference between \$15,000.00 and \$6,000.00) would be paid by the City if connections are made within the first three-year (the fee is shown in the "Amount to be paid by the City" column). Consequently, the total estimated amount responsible by each property owner is shown under the "Estimated Amount to be paid by Owner" column. However, payment of the amount in excess of \$15,000.00 may be deferred until the owner's lot is developed.

Owners will also be required to pay a connection fee, currently \$4,135.00, at the time of connection to the public sewer. In addition, owners are responsible for disconnecting their existing septic systems according to Washington County rules and for any other modifications necessary to connect to the public sewer. Owners are not required to pay any fees until they decide to connect.

Ref: Resolutions 01-46 and 03-55

**100TH AVENUE**  
**Reimbursement District No. 42**  
*Estimated Cost to Property Owners*

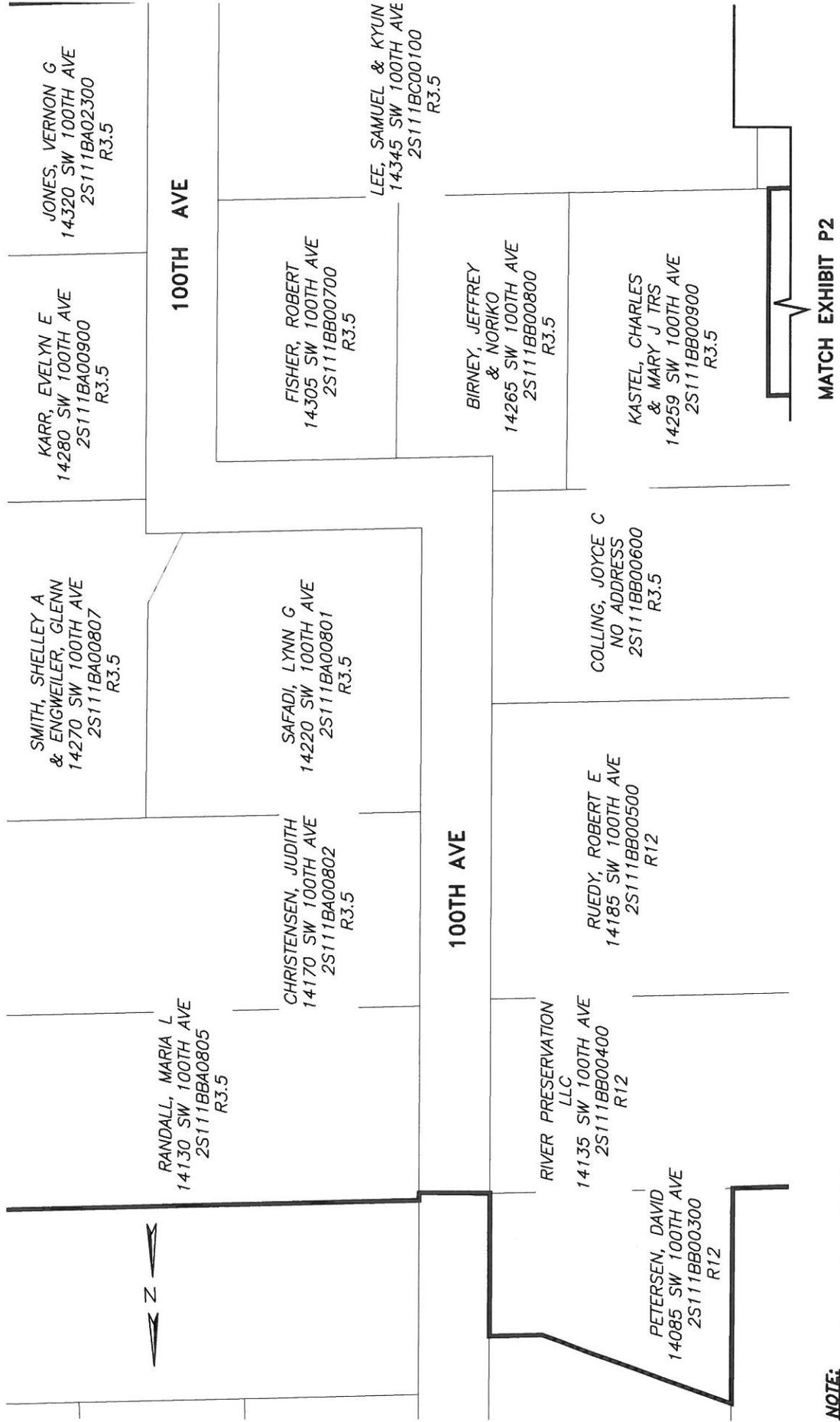
*January 4, 2011*

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<b>Estimated</b> Construction Cost	\$409,040
15% contingency (construction)	\$61,358
<b>Estimated</b> construction subtotal	<b>\$470,396</b>
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13.5% contingency (Admin & Eng)	\$63,503
Easement cost	\$20,885
<b>total project costs</b>	<b>\$554,784</b>
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total area to be served (S.F.)	583,936
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total cost per S.F. to property owner	<b>\$0.95007751</b>

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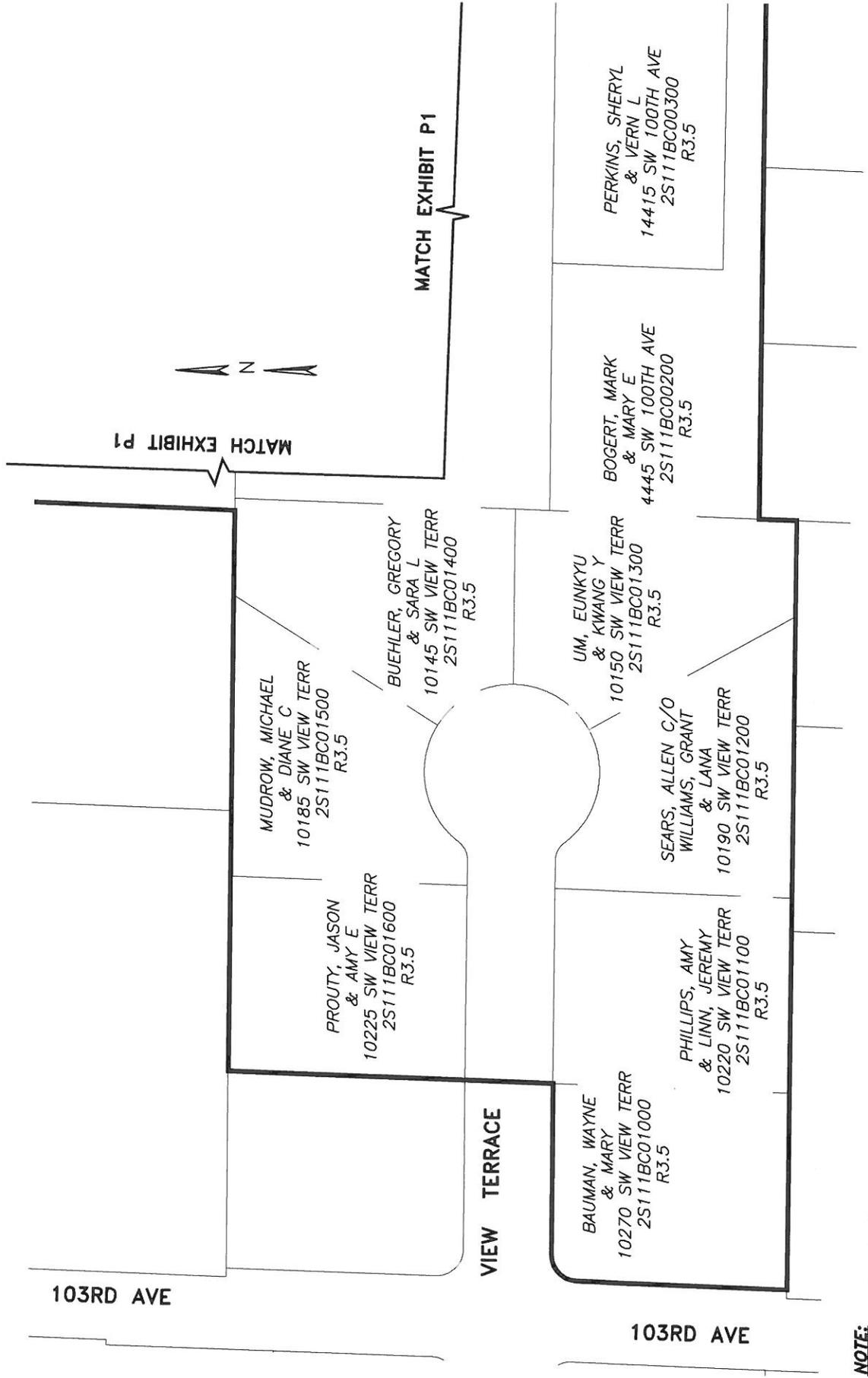
100TH AVE DIST NO. 42  
 FY 2009-10 SANITARY SEWER EXTENSION PROGRAM  
 A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



**NOTE:**  
 All properties in the district are zoned R3.5 or R12

EXHIBIT B (P1)  
 NTS

100TH AVE DIST NO. 42  
 FY 2009-10 SANITARY SEWER EXTENSION PROGRAM  
 A PORTION OF THE NW 1/4 SECTION 11 T2S R1W W.M.



**NOTE:**  
 All properties in the district are zoned R3.5 or R12

EXHIBIT B (P2)  
 NTS