

Follow-Up to October 8, 2013  
Proceedings for Tigard Triangle Local Improvement District No. 1  
Prepared for the November 12, 2013 Continuation of the  
Quasi-Judicial Public Hearing

The following represents supplemental information that was requested by the City Council during its October 8, 2013 discussion during the public hearing or is information staff identified as potentially pertinent for City Council discussion.

1. Justification for declaring an emergency: Ordinance No. 08-03, forming this Local Improvement District, was declared to be an emergency. Section 8 of the ordinance stated: Because this ordinance is necessary to request bids at a favorable time, construct the project during favorable weather and timely complete the project, an emergency is declared to exist and this ordinance shall be in full force and effect immediately on passage.
2. After the June 9, 2009, Capital Improvement Program adopted for the 2009/2010 Fiscal Year, the LID was not included in the proposed Capital Improvement Program.

In a February 2010 document (PowerPoint slide presentation) prepared by Group Mackenzie a notation was made that as of December 22, 2009, the "Chief promoter has no present intention to develop." This same document listed the project status as:

- February 28, 2006 - District Established - Resolution 06-10
- February 5, 2009 - Additional Right of Way Acquired
- February 19, 2009 - 90% Plans Submitted. ODOT has not approved alignment of 68th Avenue and Dartmouth intersection
- December 22, 2009 - Chief promoter has no present intention to develop.

Permit status as of February 2010:

- Service Provider Letter (SPL) - Expired August 21, 2008
  - Corps of Engineers - Expires October 16, 2009. Two Year extension may be available
  - Department of State Lands (DSL) - Expected to issue a concurrence letter - valid for five years.
  - Sensitive Lands - Has not been submitted.
3. Is there an expiration date for a Local Improvement District? The city attorney advises there is no expiration date.
  4. Is the Local Improvement District assessment formula still valid? City Engineer Stone reviewed the improvements required for the Walmart project to determine whether any of the work would have been identified in Tigard Triangle Local Improvement District No. 1. There was no duplication of projects; therefore the assessment formula is still valid.
  5. How were benefit calculations made? Information from the December 3, 2007, Preliminary Engineer's report:

**Recommended Method of Assessment:**

For purposes of assessment, the project costs have been separated into three distinct components:

- A. Sanitary sewer construction.
- B. Street, franchise utilities, and storm drainage construction.
- C. Sidewalk, street trees and street lighting construction.

Because some of the properties in the District are already served by some of the construction components, we have endeavored to “credit” or “account” for those prior improvements.

The civil improvements supporting the traffic signal at 68<sup>th</sup> and Dartmouth are considered “common” to the overall project...

Resolution No. 07-75 was the resolution declaring the intent to form the Local Improvement District, which was adopted on December 18, 2007. Section 4 of the resolution stated:

The proposed method of assessment shall be as follows:

- a. Sanitary Sewer Improvements  
100% of costs on an Area Basis for lots that are not currently served.
- b. Street, Private Utilities and Storm Drainage Improvements  
75% of costs on an Area Basis for all properties.  
25% of costs on a Frontage Basis for properties not previously improved along SW 68<sup>th</sup> Parkway.
- c. Sidewalk, Street Trees and Street Lighting  
25% on an Area Basis  
75% on a Frontage Basis

The method of assessment is tentative and may be altered by the City at the time of final assessment.