

ORDINANCE NO. 4846

AN ORDINANCE TO DETERMINE THE ASSESSMENTS AGAINST THE PROPERTIES SPECIFICALLY BENEFITTED BY SIDEWALKS AND CURBS AND GUTTERS FOR ST-88-1, QUEEN AVENUE RECONSTRUCTION (BROADWAY TO CALAPOOIA RIVER), AND DECLARING AN EMERGENCY.

RECITALS:

1. The assessments as referred to in this ordinance and previous resolutions and ordinances are for the sidewalks and curbs and gutters to serve ST-88-1, Queen Avenue Reconstruction (Broadway to Calapooia River).
2. Preliminary resolutions and ordinances prescribing the manner and extent of the improvements are set forth in Resolutions Nos. 2759 and 2766.
3. The assessments set forth in the following ordinance are based upon the request and recommendation of the City Engineer in compliance with Albany Municipal Code, Section 15.04.110.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: The costs of the sidewalks and curbs and gutters to serve ST-88-1, Queen Avenue Reconstruction (Broadway to Calapooia River), are as follows:

<u>Project</u>	<u>Int. & Misc.</u>	<u>Cost</u>	<u>15% E.L.A.</u>	<u>Total</u>
ST-88-1	0.00	\$35,679.20	\$5,351.88	\$41,031.08

Section 2: Property and assessment data are listed on the attached sheets.

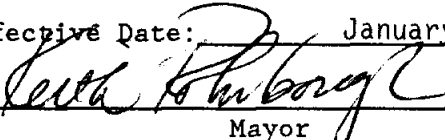
Section 3: The City Recorder is hereby directed to enter a statement of the assessments as above provided in the docket of the city liens and give notice thereof as provided by law.

Section 4: Inasmuch as this ordinance is necessary for the immediate preservation of the peace, safety, and health of the City of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon passage by the Council and approval by the Mayor.

Passed by the Council: January 25, 1989

Approved by the Mayor: January 26, 1989

Effective Date: January 25, 1989



Mayor

ATTEST:



City Recorder

INTERDEPARTMENTAL MEMORANDUM
Public Works Department
Engineering/Utilities Division

TO: Albany City Council

VIA: Bill Barrons, City Manager

FROM: John Joyce, P.E., Public Works Director

DATE: January 25, 1989, for January 26, 1989, City Council Meeting

SUBJECT: Revised Final Engineer's Report
ST-88-1, Queen Avenue Reconstruction (Broadway to Calapooia River)
L.I.D.

Description of Project

This project provided for the reconstruction of Queen Avenue from Broadway Street to the Calapooia River. As previously reported to the City Council on January 27, 1988, Linn County will pay for reconstructing the actual roadway and the City of Albany will provide funds, through the assessment of benefitting properties, to cover the cost of curb and gutter, sidewalk, and driveway construction.

Actual construction quantities included 3,725.80 linear feet of curb and gutter, 1,374.18 square yards of sidewalk, and 220.56 square yards of driveway approach.

Project Details

The Intergovernmental Cooperation Agreement between the City of Albany and Linn County, dated June 1, 1988, established Linn County as being responsible for contract administration and project inspection. The contract was awarded to J.C. Compton on June 2, 1988. The project was completed on November 8, 1988.

The contract costs were \$5.00 per linear foot for curb and gutter, \$10.00 per square yard for sidewalk, and \$15.00 per square yard for driveways. The actual cost for this construction is \$35,679.20.

Not all properties included in the Local Improvement District are within the Albany city limits. Oregon Revised Statute 223.878 provides for the inclusion of property outside the city in the assessment for local street improvements. The Linn County Board of Commissioners Resolution 88-096, adopted March 2, 1988, provides for the inclusion of property outside the City of Albany in assessments for improvements specific to this project.

Summary of Actual Construction Costs

The Engineer's Report submitted to Council on February 24, 1988, listed an estimated construction cost of \$40,671.00. The actual cost for this construction is \$35,679.20.

Section 2(n) of the Intergovernmental Cooperation Agreement for this project stipulates that Linn County will be paid an amount equal to 10 percent of the construction costs assessed the property owners within the Local Improvement District. Of the total 15 percent added for engineering, legal, and administration costs (ELA), Linn County will receive 10 percent, or \$3,567.92. A breakdown of these costs follows:

1. Total Construction Cost	\$35,679.20
2. 10 percent ELA to be paid Linn County	3,567.92
5 percent ELA to be paid City of Albany	<u>1,783.96</u>
3. Total Amount to be Assessed Affected Property owners	\$41,031.08

Method of Assessment

The original Engineer's Report estimated costs on a per front-foot (linear foot) basis. Since the contract bid documents and the actual construction quantities were not based entirely on a linear-foot basis, the use of an actual cost per foot in determining individual assessments is not appropriate.

It is recommended that the benefitting property owners be assessed for the actual cost of the improvements directly in front of their properties. Please reference the attached document listing the individual property owners, the actual construction quantities, and the final assessment amounts.

There is one property in exception to this method of assessment. The Bonneville Power Administration (BPA), as a federal agency, cannot be assessed in the conventional sense. After negotiations between the City of Albany and the BPA, conducted in June, 1988, the BPA agreed to pay a lump sum amount of \$6,450.00 to cover costs of construction. The negotiations took place prior to actual construction and were based on the scope of work and estimated quantities outlined in the February 16, 1988, Engineer's Report. The negotiated amount will not cover assessable costs of \$6,760.68. The deficit amount of \$310.68 will be covered through a reduction in the ELA compensation received by the City and Linn County. A breakdown of actual and assessed costs and dispersal of ELA compensation for improvements to this property are as follows:


1. Total Construction Costs, BPA Property	\$5,878.85
2. Negotiated payment from BPA	\$6,450.00
3. Total Amount Available for ELA Costs	\$ 571.15
4. Linn County Share of Available ELA (2/3)	\$ 380.77
City of Albany Share of Available ELA (1/3)	\$ 190.38

The summary of actual construction costs and the property assessment sheets do not reflect this deficit. The Bonneville Power Administration will be billed directly for the original negotiated amount and the available ELA divided as outlined above.

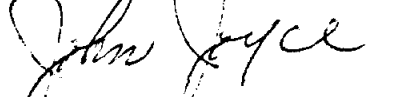
Recommendation

It is recommended that the City Council accept this Final Engineer's Report and schedule a public hearing to consider any objections to the proposed assessment.

Respectfully submitted,


Mark A. Yeager, P.E.
Engineering Utilities Division Manager

Approved by,


John Joyce, P.E.
Public Works Director

PROPERTY ASSESSMENTS

ST-88-1, Queen Avenue Reconstruction (Broadway to Calapooia River) Local Improvement District

Property Owner/Address	Tax Lot No. (11-4W-13B)	Front Footage	Curb/Gutter \$/L.F.	Curb/Gutter Cost (1)	Sidewalk \$10/Sq. Yd.	Sidewalk Cost (2)	Driveway \$15/Sq. Yd.	Driveway Cost (3)	Subtotal (4) (1+2+3)	Final Assessment (Includes 15% ELA) (1.15 x (4))
John & Jean Nath 2250 NE Brownley Hgts. Corvallis, OR 97330	100	114.20 LF	114.20 LF	\$571.00	40.92 SY	\$409.20	22.52 SY	\$337.80	\$1,318.00	\$1,515.70
John & Lucyann Volbeda 35735 Engle Rd. Albany, OR 97321	200	242.28 LF	242.28 LF	\$1,211.40	110.83 SY	\$1,108.30	23.77 SY	\$356.55	\$2,676.25	\$3,077.69
John J. Bachmeier Trust 32932 Steckley Rd. Lebanon, OR 97355	300	116.37 LF	116.37 LF	\$581.85	47.14 SY	\$471.40	17.51 SY	\$262.65	\$1,315.90	\$1,513.29
Pacific Power & Light 920 SW 6th Ave. Portland, OR 97204	400	30.10 LF	30.10 LF	\$150.50	5.37 SY	\$53.70	11.29 SY	\$169.35	\$373.55	\$429.58
Earl W. & Alice L. Parker 1939 Queen Ave. W Albany, OR 97321	500	112.09 LF	112.09 LF	\$560.45	62.27 SY	\$622.70	.00 SY	\$.00	\$1,183.15	\$1,360.62
City of Albany P. O. Box 490 Albany, OR 97321	600	50.00 LF	50.00 LF	\$250.00	15.14 SY	\$151.40	12.64 SY	\$189.60	\$591.00	\$679.65
United States of America Bonneville Power Admin. 2101 Queen Ave. SW Albany, OR 97321	700	900.00 LF	900.00 LF	\$4,500.00	81.74 SY	\$817.40	37.43 SY	\$561.45	\$5,878.85	\$6,760.68
H. R. & Julia Widmer 2340 Queen Ave. W Albany, OR 97321	1200	101.87 LF	82.32 LF	\$411.60	30.03 SY	\$300.30	6.74 SY	\$101.10	\$813.00	\$934.95
H. P. & Julia Widmer 2340 Queen Ave. W Albany, OR 97321	1300	81.01 LF	81.01 LF	\$405.05	36.00 SY	\$360.00	.00 SY	\$.00	\$765.05	\$879.81

Property Owner/Address	Tax Lot No. (11-4W-13B)	Front Footage	Curb/Gutter \$5/L.F.	Curb/Gutter Cost (1)	Sidewalk \$10/Sq.Yd.	Sidewalk Cost (2)	Driveway \$15/Sq.Yd.	Driveway Cost (3)	Subtotal (4)	Final Assessment (Includes 15% ELA (1.15 x (4)))
Keller Development Co. 1951 Ferry St. SW Albany, OR 97321	1600	665.89 LF	635.27 LF	\$3,176.35	284.02 SY	\$2,840.20	.00 SY	\$.00	\$6,016.55	\$6,919.03
Keller Development Co. 1951 Ferry St. SW Albany, OR 97321	1700	193.36 LF	193.36 LF	\$966.80	107.42 SY	\$1,074.20	.00 SY	\$.00	\$2,041.00	\$2,347.15
Keller Development Co. 1951 Ferry St. SW Albany, OR 97321	1701	73.00 LF	73.00 LF	\$365.00	40.56 SY	\$405.60	.00 SY	\$.00	\$770.60	\$886.19
Ester Peterson 1840 Queen Ave. W Albany, OR 97321	1800	255.75 LF	255.75 LF	\$1,278.75	127.47 SY	\$1,274.70	14.61 SY	\$219.15	\$2,772.60	\$3,188.48
Wm. J. & Judith Hespelt 1830 Queen Ave. SW Albany, OR 97321	1900	66.00 LF	66.00 LF	\$330.00	29.33 SY	\$293.30	7.34 SY	\$110.10	\$733.40	\$843.41
Leroy & Edda L. McLaren 1810 Queen Ave. W Albany, OR 97321	2000	66.00 LF	66.00 LF	\$330.00	27.57 SY	\$275.70	9.10 SY	\$136.50	\$742.20	\$853.53
James D. & Nancy Schmaltz 1740 Queen Ave. SW Albany, OR 97321	2100	60.89 LF	60.89 LF	\$304.45	25.64 SY	\$256.40	8.19 SY	\$122.85	\$683.70	\$786.26
Emice A. Spath 626 S. Seventh Klamath Falls, OR 97601	2200	60.89 LF	60.89 LF	\$304.45	33.83 SY	\$338.30	.00 SY	\$.00	\$642.75	\$739.16
Debra A. Cullings 1710 Queen Ave. SW Albany, OR 97321	2300	121.77 LF	121.77 LF	\$608.85	47.05 SY	\$470.50	20.60 SY	\$309.00	\$1,388.35	\$1,596.60
Donald L. Claire Haley 1650 Queen Ave. W Albany, OR 97321	2400	51.15 LF	51.15 LF	\$255.75	14.07 SY	\$140.70	14.35 SY	\$215.25	\$611.70	\$703.46

Property Owner/Address	Tax Lot No.	Front Footage	Curb/Gutter \$5/L.F.	Curb/Gutter Cost (1)	Sidewalk \$10/Sq.Yd.	Sidewalk Cost (2)	Driveway \$15/Sq.Yd.	Driveway Cost (3)	Subtotal (4)	Final Assessment (Includes 1.5% ELA (1.15 x (4)))
Terry & Patricia Stoelting 1640 Queen Ave. SW Albany, OR 97321	(11-4W-13B) 2500	50.00 LF	50.00 LF	\$250.00	21.02 SY	\$210.20	6.76 SY	\$101.40	\$561.60	\$645.84
Chester & Helen Stoelting 1620 Queen Ave. SW Albany, OR 97321	2600	117.00 LF	117.00 LF	\$585.00	57.29 SY	\$572.90	7.71 SY	\$115.65	\$1,273.55	\$1,464.58
Chester & Helen Stoelting 1620 Queen Ave. SW Albany, OR 97321	2700	66.55 LF	66.55 LF	\$332.75	36.97 SY	\$369.70	.00 SY	\$.00	\$702.45	\$807.82
John H. & Jean M. Nath 2250 NW Brownely Hgts. Corvallis, OR 97330	(11-42-12CB) 2600	133.40 LF	179.80 LF	\$899.00	92.50 SY	\$925.00	.00 SY	\$.00	\$1,824.00	\$2,097.60
TOTALS			<u>3,725.80</u>	<u>\$18,629.00</u>	<u>1,374.18</u>	<u>\$13,741.80</u>	<u>220.56</u>	<u>\$3,308.40</u>	<u>\$35,679.20</u>	<u>\$41,031.08</u>