

RESOLUTION 2008-011

A RESOLUTION ESTABLISHING THE AREA 59 REIMBURSEMENT DISTRICT AND DIRECTING STAFF TO ENTER INTO A REIMBURSEMENT AGREEMENT WITH THE SHERWOOD SCHOOL DISTRICT

WHEREAS, Chapter 13.24 of the Sherwood Municipal Code ("SMC") permits those who finance and install public improvements to seek reimbursement from other persons or entities who benefit from those improvements; and

WHEREAS, the Sherwood School District ("District") is required to finance and construct certain public improvements to serve new schools in Area 59; and

WHEREAS, the District applied for the establishment of a reimbursement district in accordance with SMC 13.24.020; and

WHEREAS, the Public Works Director prepared a report recommending approval of the reimbursement district with a methodology for equitably spreading the costs of the improvements among benefiting properties within the district; and

WHEREAS, on March 4, 2008, the City Council held an informational hearing and accepted testimony on the proposed reimbursement district; and

WHEREAS, SMC 13.24.060 requires the City Council's decision to be contained in a resolution.

NOW, THEREFORE, THE CITY OF SHERWOOD RESOLVES AS FOLLOWS:

<u>Section 1</u>: The Public Works Director's report, attached as Exhibit A and incorporated into this resolution, is approved and adopted.

Section 2: The Area 59 Reimbursement District as described in Exhibit A is established. As particularly described in SMC 13.24.100, each benefiting property is required to pay its equitable share of the improvements prior to any further development of such property.

Section 3: The amount to be paid by each benefiting property will increase annually on this resolution's anniversary date at 4% simple interest.

<u>Section 4:</u> The City Manager is directed to enter into an agreement with the District in accordance with SMC 13.24.060. The agreement shall include a provision to prohibit development of the property to be used for sports fields and facilities, as approved by SP 07-04, and located adjacent to the southern and eastern boundaries of the Sherwood School District site, as depicted on Figures PWR-2 and PWR-3, for the duration of the Area 59 Reimbursement District if the development would require connecting to the sewer and water facilities for which the District seeks reimbursement.

<u>Section 5</u>: An administration fee for the City's benefit is established in the amount of 1%. This fee is due and payable by the District to the City at the time the reimbursement agreement is signed.

Section 6: The District's right to reimbursement under the Area 59 Reimbursement District ends ten (10) years from the effective date of this resolution.

Section 7: This resolution is effective on the date it is passed by the City Council and signed by the Mayor.

Section 8: Pursuant to SMC 12.24.060, this resolution is effective following passage by the City Council and approval by the Mayor.

Duly passed by the City Council this 4th day of March 2008.

Keith S. Mays, Mayor

ATTEST:

Sylvia Murphy, City Recorder

Exhibit A: Public Works Director's Report



Home of the Tualatin River National Wildlife Refuge

Public Works Directors Report

City of Sherwood 22560 SW Pine St. Sherwood, OR 97140 Tel 503-625-5522 Fax 503-625-5524 www.ci.sherwood.or.us

Mayor Keith Mays

Councilors
Dave Grant
Dave Heironimus
Linda Henderson
Dan King
Dave Luman
Lee Weislogel

City Manager Ross Schultz

Sherwood

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All-America City Finalist

February 18, 2008

Public Works Directors Report for Area 59 Reimbursement District

This report has been created to fulfill the City of Sherwood's requirement for a Public Works Directors Report for the Reimbursement District application submitted by the Sherwood School District. The School District submitted a Reimbursement District Report with their application and the latest version of that report is dated January 15, 2008. There are a few minor differences in this Public Works Directors report which are not reflected in the School District report due to better information that has come forth during the review of the School District Report.

This report has been created by the Engineering Department and the Community Development Director. When the Municipal Code section for Reimbursement Districts was adopted the review of Private Development projects was under the Public Works Department. Subsequent changes to the structure of the City placed that review and approval in the Community Development Department. However the Code is clear that this is a Public Works Directors report and therefore it is being signed and approved by both the Public Works Director and the Community Development Director.

Reimbursement District creation is allowed by Sherwood Municipal Code section 13.24. This code section outlines the requirements of the application and the process for approval of a district if it is warranted.

The following items A-G must be addressed in this Report and the required information is provided below.

A. Whether the developer will finance, or has financed some or all of the cost of the public improvement, thereby making service available to property, other than that owned by the developer.

Response: The Sherwood School District will finance many public improvements that have been approved and are currently under construction. These public improvements extend sanitary, water, storm to properties under separate ownership from the School District that are currently not served by public improvements. While all of the

properties in this area are connected to public county streets the School District is also building street improvements to Copper Terrace that can be utilized in the future for properties adjacent to this new public facility. The public utilities that are being extended are all being sized to accommodate future development up to the levels shown in the comprehensive plan for Area 59.

B. The boundary and size of the reimbursement district.

Response: The size and boundary of the reimbursement district are shown in Appendix A: Figure PWR-1 The total area included is 2,314,944 sf or 53.14 acres.

C. The actual or estimated cost of the public improvement serving the area of the proposed reimbursement district and the portion of the cost for which the developer should be reimbursed for each public improvement.

Response: All costs for this reimbursement district are estimated based on bid costs for the improvements from the School District and their contractor System Development Charge Credits already approved have been taken out of the costs shown below.

Table PWR-1 Proportion of Costs by Public Improvement

Public Improvement	Reimbursement District Cost	Portion of Costs for Developer (School District) reimbursement	Percentage of Developer Cost of Total Reimbursement District Cost
Street	\$2,186,296	\$670,932	30.69%
Sanitary	\$684,271	\$508,986	74.38%
Storm	\$530,728	\$318,219	59.96%
Water	\$335,290	\$234,241	69.86%
Total	\$3,736,585	\$1,732,378	46.36%

D. A methodology for spreading the cost among the properties within the reimbursement district and, where appropriate, defining a "unit" for applying the reimbursement fee to property which may, with city approval, be partitioned, subdivided, altered or modified at some future date. City may use any methodology for apportioning costs on properties specially benefited that is just and reasonable.

Response: The methodology for spreading the costs among the property owners shall be decided by the City. While the application made a recommendation for a methodology in the report submitted; the final methodology is up to the City.

For sanitary, storm and water the application suggested using an equal split between area served by the public improvement and the frontage of the improvement along the properties within the boundaries of each public improvement. For streets the application suggests using property frontage for the methodology. The City has looked at other reimbursement districts and the area and frontage methods are the most commonly used. Using the area methodology evenly distributes the costs over the entire area regardless of the proximity to the constructed utility. Using the frontage methodology distributes the costs only based on the length of property that is adjacent to the utility. Using either the area or frontage methodologies independently can give disproportionate benefits to one property or another. Therefore the City believes the best methodology is to combine the two methods with equal weight for the area and frontage for the public improvements except for streets. For streets it is difficult to determine the area served and the City believes the best methodology is to use the frontage of the street.

Units for this district shall be based upon Square Footage (sf). The reason this unit has been chosen is because the future development of this area will happen over many years and is unknown at this point. By using the smallest unit possible it will be easier to distribute the costs fairly in the future as development occurs.

The summary of total costs for each category of improvements by property owner is show below. These costs are based on the equal methodology of area and frontage for the utilities and frontage only for Copper Terrace. Detailed calculations are shown in the tables in Appendix A.

Table PWR-2 Costs for improvements

		Water	Sanitary	Storm	Copper Terrace	Total
1	Sherwood School District	\$101,049	\$175,286	\$212,509	\$1,515,364	\$2,004,206.77
2	Rychlick	\$0	\$27,663	\$0	\$0	\$27,663.03
3	Edy, LLC	\$27,312	\$61,593	\$47,315	\$0	\$136,220.29
4	Mandel	\$113,984	\$234,962	\$157,943	\$440,268	\$947,156.25
5	Not Used					
6	Rasmussen	\$32,869	\$68,125	\$63,046	\$0	\$164,039.44
7	Alexander	\$17,979	\$37,533	\$12,050	\$0	\$67,562.16
8	Alexander 2	\$7,939	\$15,461	\$14,460	\$0	\$37,860.17
9	Tract (School Dist)	\$9,115	\$19,456	\$0	\$230,664	\$259,236.04
10	Schendel	\$5,945	\$11,578	\$10,829	\$0	\$28,351.44
11	Fillmore	\$9,730	\$18,950	\$0	\$0	\$28,679.56
12	Nelson	\$9,369	\$13,664	\$12,576	\$0	\$35,609.92

Total \$3,736,585.10

The combined service area for each property owner is shown below.

Table PWR-3 Combines Service Boundary Areas

ID	Owner	Combined Service Area (SF)
1	Sherwood School District	707,094
2	Rychlick	127,202
3	Edy, LLC	186,217
4	Mandel	641,005
5	Not Used	
6	Rasmussen	163,220
7	Alexander	73,555
8	Alexander 2	97,295
9	Tract (School Dist)	12,418
10	Schendel	72,859
11	Fillmore	119,248
12	Nelson	114,831
	Total	2,314,944

Based on the total cost information in Table PWR-2 and combined area information in PWR-3 the breakdown of reimbursement charges per unit is as follows:

Table PWR-4 Reimbursement Cost per Unit

	Table PWK-4 Kellibuis			Reimbursement	
ID	Owner	Total Cost	Units (SF)	Cost per Unit	Cost per Acre
1	Sherwood School District	\$2,004,206.77	707,094	\$2.8344	\$123,467.67
2	Rychlick	\$27,663.03	127,202	\$0.2175	\$9,473.14
3	Edy, LLC	\$136,220.29	186,217	\$0.7315	\$31,864.74
4	Mandel	\$947,156.25	641,005	\$1.4776	\$64,364.75
5	Not Used				
6	Rasmussen	\$164,039.44	163,220	\$1.0050	\$43,778.69
7	Alexander	\$67,562.16	73,555	\$0.9185	\$40,010.98
8	Alexander 2	\$37,860.17	97,295	\$0.3891	\$16,950.40
9	Tract (School Dist)	\$259,236.04	12,418	\$20.8758	\$909,351.11
10	Schendel	\$28,351.44	72,859	\$0.3891	\$16,950.40
11	Fillmore	\$28,679.56	119,248	\$0.2405	\$10,476.33
12	Nelson	\$35,609.92	114,831	\$0.3101	\$13,508.27

Note: Actual Unit Cost will be increased by interest rate identified in adopting resolution at time of development. Administrative cost of 1% will be added to the total payment required by the development.

E. The amount to be charged by the city for an administration fee for the reimbursement agreement. The administration fee shall be fixed by the city council and will be included in the resolution approving and forming the reimbursement district. The administration fee may be a percentage of the total reimbursement fee expressed as an interest figure, or may be a flat fee per unit to be deducted from the total reimbursement fee.

Response: The administration fee is proposed as 1% of the total fees to be reimbursed. This shall be divided by unit and paid at the time each unit is developed for monies to be reimbursed to the developer.

F. Whether the public improvements will or have met city standards.

Response: The public improvements will meet all city standards before being approved and placed into service.

G. Whether it is fair and in the public interest to create a reimbursement district. (Ord. 01-1114 § 3)

Response: Based on the information submitted the improvements proposed by the developer will greatly enhance the ability of the other properties within the reimbursement district to develop their properties in an efficient manner. If these improvements were not in place then it would put the burden on the other property owners to put the same public improvements in place. Therefore the pubic interest is served by allowing development to proceed in an orderly and efficient manner.

Calculations:

The areas and frontage lengths shown in Appendix A are required to be provided by the applicant. This information was provided in the report dated January 15, 2008 and has been reviewed by the City. The areas are different for each public improvement being provided and exclude areas that are not expected to receive service in the future. The frontage for each public improvement is based on the length of the improvement adjacent to each property owner. The City believes that they accurately reflect the areas and frontages that will benefit from this reimbursement district.

Cost information was provided by the School District and is based on bid information provided by the Contractor. The entire school project is based on a lump-sum bid so a detailed cost estimate for each utility is not available. The City used the costs provided by the School District and compared them to other Public Construction jobs on a unit basis. We found that the costs provided are well within the range expected for public utility construction.

Public Works Director

Date: 2-18-08

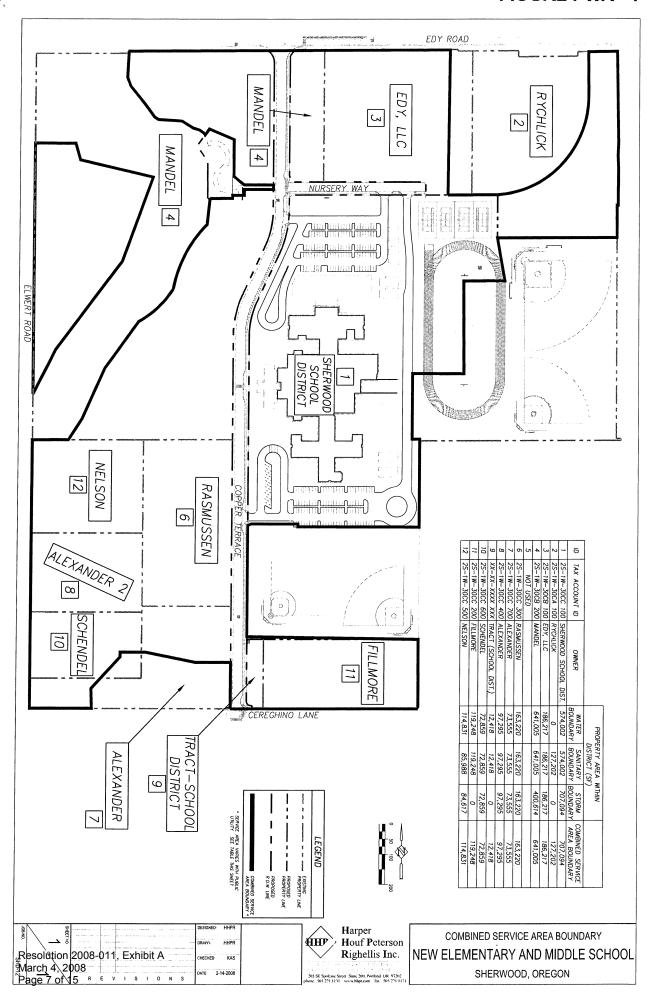
Community Development Director

Date: 2-18-2009

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Appendix A

FIGURE PWR - 1



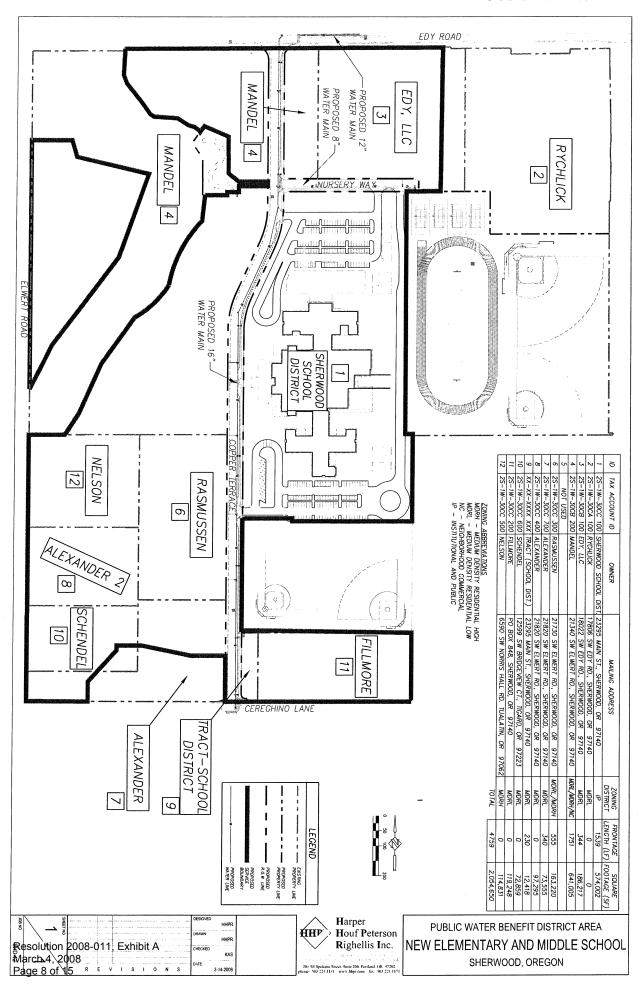
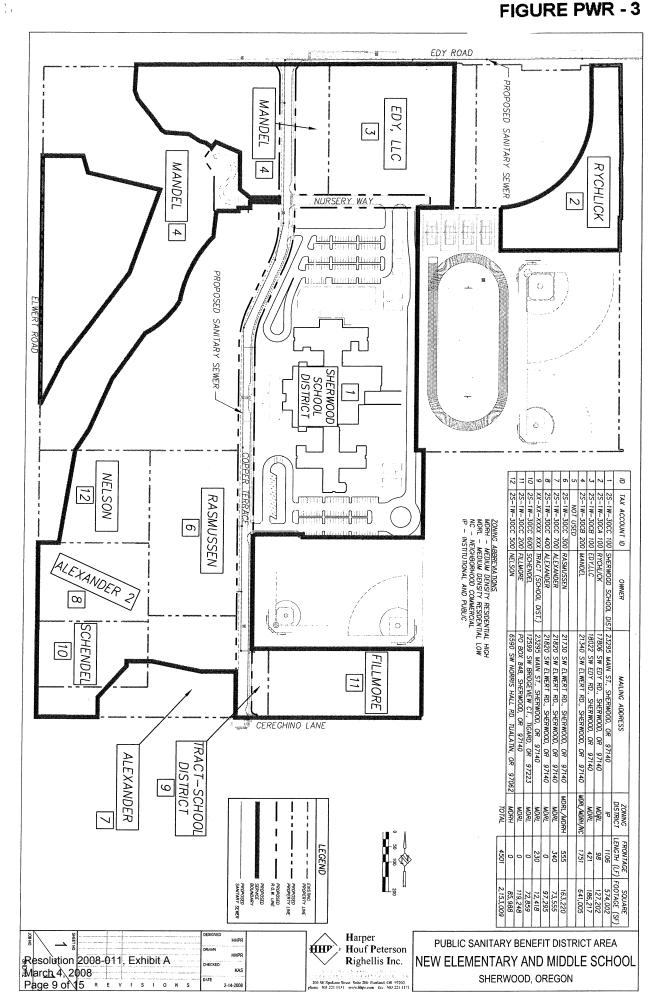
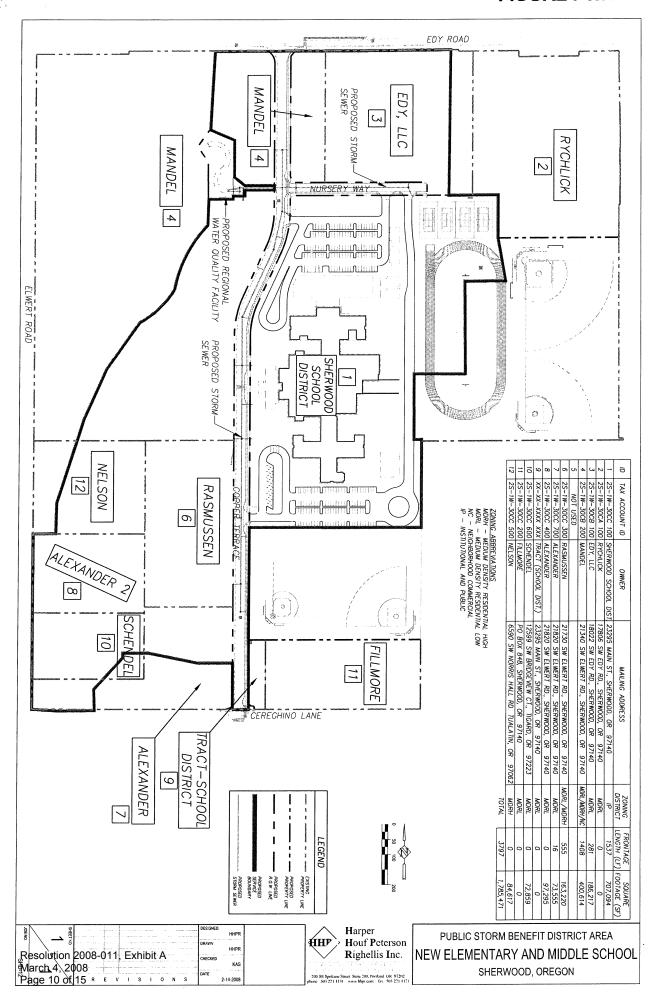
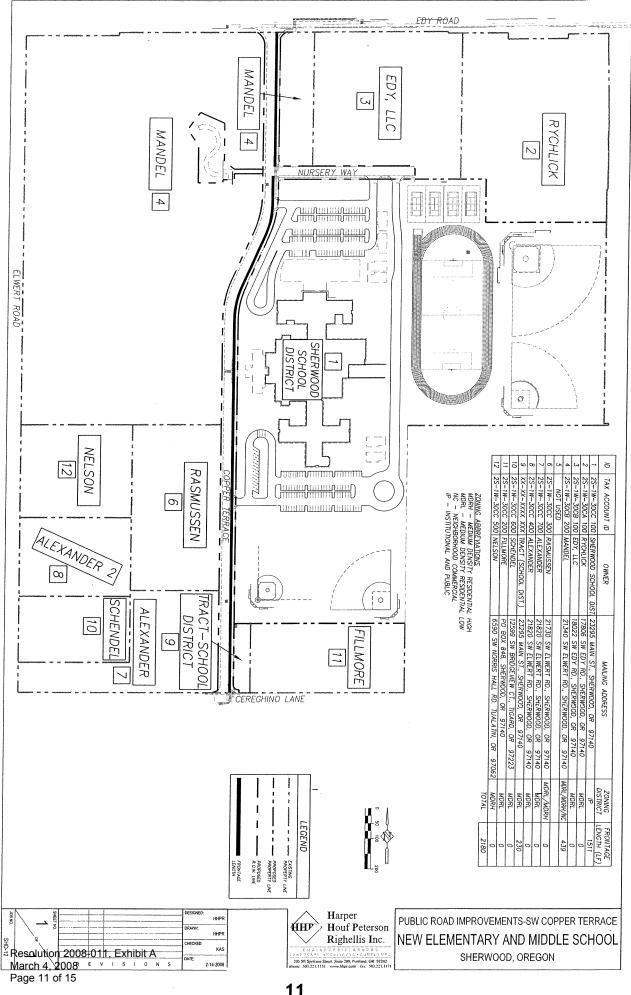


FIGURE PWR - 3







SHERWOOD NEW ELEMENTARY AND MIDDLE SCHOOL **PUBLIC WATER LINE**

REIMBURSEMENT DISTRICT COST ALLOCATION

WATER LINE COST SUMMARY

Water Line Construction Cost: \$370,300.95 System Development Charges Creditable Amount: \$35,010.75 Reimbursement District Eligible Cost: \$335,290.20

50% of Cost Distributed by 50% of Cost Distributed by Frontage of Property COST ALLOCATION METHODOLOGY

₽

Taxlot No.

2S-1W-30CC 100 2S-1W-30CA 100 2S-1W-30CB 100 2S-1W-30CB 200

nerwood School District

2S-1W-30CC 300 2S-1W-30CC 700 2S-1W-30CC 400

Rasmussen Alexander

Not Used Mandel Edy, LLC

> 1751 344

\$61,682.41 \$12,118.07 \$54,214.29

641,005

\$0.0816 \$0.0816 \$0.0816

\$15,194.01 \$52,301.53

\$27,312 \$113,984

0.00% 8.15% 34.00%

\$0.00

574,002 186,217

\$0.0816

\$46,834.56

\$101,049

30.14%

Unit Cost (SF) Total Area Cost

(Frontage +

% of Total Cost

Total Cost

\$35.23 \$35.23 \$35.23 \$35.23

2S-1W-30CC 500 2S-1W-30CC 200 2S-1W-30CC 600

Schendel

-illmore

Alexander 2
Tract (School Dist)

\$35.23 \$35.23 \$35.23 \$35.23 \$35.23

\$0.00 \$8,102.20

163,220 73,555 97,295 12,418

\$0.0816 \$0.0816 \$0.0816

\$6,001.57 \$7,938.59 \$1,013.22

\$13,317.61

\$32,869 \$17,979

\$19,550.96 \$11,977.17

\$35.23 /LF

Construction Surveying (HHPR):

Waterline Cost: \$344,466.00
Construction Inspection (City of Sherwood): \$17,223
Construction Engineering (HHPR): \$6,112 Estimated Water Line Construction Cost Breakdown

Total Cost: \$2,500

Owner Frontage Length (LF)	ed by Frontage of Property \$3. y Service Area of Property \$0.
	\$35.23 /LF \$0.0816 /SF
Unit Cost (LF)	_
Total Frontage Cost	(\$167,645.10 / 4759 LF) (\$167,645.10 / 2,054,650 SF
Area (SF)	=)

Approved
System
ป System Development
t Credits:
\$35,010.79

otals:

4759

\$35.23

\$167,645.10

2,054,650

\$167,645.10

\$335,290.20

\$35.23 \$35.23

\$0.00 \$0.00

72,859 119,248

\$0.0816 \$0.0816 \$0.0816 \$0.0816

\$5,944.79 \$9,729.80 \$9,369.41

\$7,939 \$9,115 \$5,945 \$9,730 \$9,369

9.80% 5.36% 2.37% 2.72% 1.77% 2.90%

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SHERWOOD NEW ELEMENTARY AND MIDDLE SCHOOL **PUBLIC SANITARY SEWER LINE**

REIMBURSEMENT DISTRICT COST ALLOCATION

50% of Cost Distributed by Service Area of Property Sanitary Sewer Construction Cost. \$812,606.48
System Development Charges Creditable Amount: \$128,335.00
Reimbursement District Eligible Cost. \$684,271.48 50% of Cost Distributed by Frontage of Property SANITARY SEWER COST SUMMARY COST ALLOCATION METHODOLOGY

\$76.01 /LF \$0.1589 /SF (\$342,135.74 / 4501 LF) (\$342,135.74 / 2,153,009 SF)

₽

Taxlot No.

တ

2S-1W-30CC 300 2S-1W-30CC 700 2S-1W-30CC 400

Rasmussen
Alexander
Alexander 2
Tract (School Dist)

\$76.01 \$76.01 \$76.01 \$76.01 \$76.01 \$76.01

\$25,844.51 \$0.00 \$17,483.05 \$0.00 \$0.00 \$0.00

73,555 97,295 12,418 72,859 119,248

\$0.1589 \$0.1589 \$0.1589 \$0.1589 \$0.1589 \$0.1589

\$11,688.66 \$15,461.20 \$1,973.35 \$11,578.06

\$68,124.74 \$37,533.17 \$15,461.20 \$19,456.40 \$11,578.06

9.96% 5.49% 2.26% 2.84% 1.69% 2.77%

\$18,949.76

\$18,949.76

100.00%

2S-1W-30CC 600 2S-1W-30CC 200 2S-1W-30CC 500

Nelson schendel illmore

Totals:

4501

2,153,009

Approved System Development Credits:

\$128,335

2S-1W-30CC 100 2S-1W-30CA 100 2S-1W-30CB 100 2S-1W-30CB 200

Edy, LLC Mandel Not Used

\$76.01 \$76.01

\$133,099.24

641,005 186,217 574,002 127,202

\$0.1589

\$101,862.4 \$91,214.95 \$20,213.73 \$29,591.84

\$234,961.66

9.00% 25.62% 4.04%

\$25,937.3

\$0.1589 \$0.1589 \$0.1589

\$42,187.37

\$32,001.59 \$84,070.68 \$7,449.30

\$76.01 \$76.01 Ę

Rychlick

nerwood School District Owner

Length (LF)

Frontage

Unit Cost

Frontage

Area (SF)

Unit Cost (SF)

Total Area Cost

(Frontage + Area) **Total Cost**

% of Total Cost

\$175,285.62 \$27,663.03 \$61,593.42

Total

Construction Surveying (HHPR): Total Cost: \$812,606

Construction Inspection (City of Sherwood): Construction Engineering (HHPR): \$22,256 \$29,937 \$4,500

Estimated Sanitary Sewer Construction Cost Breakdown

Sanitary Sewer Cost:

\$755,913

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PUBLIC STORM SEWER LINE & REGIONAL WATER QUALITY FACILITY SHERWOOD NEW ELEMENTARY AND MIDDLE SCHOOL

REIMBURSEMENT DISTRICT COST ALLOCATION

STORM SEWER COST SUMMARY Storm Sewer Construction Cost: \$629,332.20

System Development Charges Creditable Amount: slopment Charges Creditable Amount: \$98,604.41
Reimbursement District Eligible Cost: \$530,727.79

50% of Cost Distributed by Frontage of Property

₽

Taxlot No.

2S-1W-30CC 100 2S-1W-30CA 100

Sherwood School District

Owner

Length (LF)

Frontage

Unit Cost

Total Frontage

Area (SF)

Unit Cost (SF)

Total Area Cost

% of Total Cost

1486

\$105,091.1

\$212,508.68 \$0.00 Total Cost

Cost

2S-1W-30CB 200 2S-1W-30CB 100

Mandel Edy, LLC Rychlick

1408

\$69.89

\$98,401.99 \$19,638.47

400,614 186,217

\$0.1486 \$0.1486

\$59,540.87 \$27,676.32

\$157,942.86

\$47,314.79

8.92% 29.76%

0.00%

40.04%

\$0.1486

\$0.00

\$69.89 \$69.89 \$69.89

50% of Cost Distributed by Service Area of Property

\$69.89 /LF \$0.1486 /SF (\$265,363.90 / 3797 LF) (\$265,363.90 / 1,785,471 SF)

Estimated Storm Sewer Construction Cost Breakdown Storm Sewer Cost: \$388,216.00

Construction Inspection (City of Sherwood): Construction Engineering (HHPR): \$19,410.80 \$6,105.40

Construction Surveying (HHPR): Property for Swale (0.53 acres) \$629,332.20 \$212,000.00 \$3,600.00

Total Cost:

Approved System Development Credits: \$98,604 5

2S-1W-30CC 600 2S-1W-30CC 200 2S-1W-30CC 500

Nelson Schendel

Totals:

3797

265,363.90

\$69.89 \$69.89

\$0.00 \$0.00

72,859

\$0.1486

\$10,828.6

\$0.00 \$10,828.60

11.88% 2.27% 2.72% 0.00% 0.00%

\$0.00

\$12,576.12 \$0.00

100.00%

\$0.1486

\$265,363.90

\$69.89 \$69.89 \$69.89 \$69.89

\$38,787.72 \$1,118.20

163,220 73,555 97,295

\$0.1486 \$0.1486 \$0.1486 \$0.1486 \$0.1486

\$24,258.41 \$10,932.04 \$14,460.37

\$63,046.13 \$12,050.24 \$14,460.37

Fillmore

9

2S-1W-30CB 200 2S-1W-30CC 300 2S-1W-30CC 700 2S-1W-30CC 400

Not Used
Rasmussen
Alexander
Alexander 2
Tract (School Dist)

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SHERWOOD NEW ELEMENTARY AND MIDDLE SCHOOL PUBLIC ROAD IMPROVEMENTS (SW COPPER TERRACE) REIMBURSEMENT DISTRICT COST ALLOCATION

	100.00%	\$2,186,295.63	\$1,002.89	2180	Totals:			
	0.00%	\$0.00	\$1,002.89	0		Nelson	2S-1W-30CC 500	12
	0.00%	\$0.00	\$1,002.89	0		Fillmore	2S-1W-30CC 200	11
	0.00%	\$0.00	\$1,002.89	0		Schendel	2S-1W-30CC 600	10
	10.55%	\$230,664.22	\$1,002.89	230		Tract (School District)		9
	0.00%	\$0.00	\$1,002.89	0		Alexander 2	2S-1W-30CC 400	8
	0.00%	\$0.00	\$1,002.89	0		Alexander	2S-1W-30CC 700	7
	0.00%	\$0.00	\$1,002.89	0		Rasmussen	2S-1W-30CC 300	6
						Not Used		5
	20.14%	\$440,267.79	\$1,002.89	439		Mandel	2S-1W-30CB 200	4
	0.00%	\$0.00	\$1,002.89	0		Edy, LLC	2S-1W-30CB 100	3
	0.00%	\$0.00	\$1,002.89	0		Rychlick	2S-1W-30CA 100	2
	69.31%	\$1,515,363.62	\$1,002.89	1511		Sherwood School District	2S-1W-30CC 100	1
	% of Total Cost	Total Frontage Cost	Unit Cost (LF)	Frontage Length (LF)		Owner	Taxlot No.	ID
\$2,186,296	Total Cost:							
\$160,000	8' PUE (0.40 Acres):		5.63 / 2180 LF	\$1,002.89 /LF (\$2,186,295.63 / 2180 LF)	\$1,002.89	Cost Distributed by Frontage Length of Property	Cost Distributed by Fro	
\$1,080,000	Right of Way (2.7 Acres):	Right of				COST ALLOCATION METHODOLOGY	COST ALL	
\$9,200	urveying (HHPR):	Construction Surveying (HHPR):						
\$20,807	iineering (HHPR):	Construction Eng			\$2,186,296	Reimbursement District Eligible Cost: \$2,186,296	Reimbu	
\$36,014	City of Sherwood):	struction Inspection (C	Cons		\$0	System Development Charges Creditable Amount:	System Development	
\$880,275	SW Copper Terrace Cost:	SW Cop			\$2,186,296	SW Copper Terrace Construction Cost:	SW Coppe	
Breakdown	Terrace Construction Cost Breakdown		Estimated SW Copper			SW COPPER TERRACE SUMMARY	SW COPF	
				1				