

**CITY OF FLORENCE
RESOLUTION NO. 20, SERIES 2018**

**A RESOLUTION ESTABLISHING A SEWER REIMBURSEMENT DISTRICT
FOR EAST SIDE OF HWY 101 BETWEEN 52nd STREET AND HECETA BEACH ROAD**

RECITALS:

1. The City of Florence is requesting the establishment of a reimbursement district for sanitary sewer improvement along the east side of Hwy 101 between 52nd Street and south of Heceta Beach Road.
2. The City Council has determined a need to extend the sanitary sewer system along the east side of Hwy 101 between 52nd Street and south of Heceta Beach Road where currently no sewer improvements exist.
3. The City Council considered the Public Works Directors' written report on October 8, 2018 in compliance with Florence City Code 8-5-1-3 that described the proposed improvements, area to be considered within the district, estimated costs of the improvements, and the methodology for spreading the cost among the parcels within the reimbursement district. The City Council finds that the described methodology for spreading the reimbursement fees to be reasonable and fair given the benefits of the project provided to each property. The Public Works Directors' report is incorporated herein.
4. Notice of the public hearing complying with FCC 8-5-1-4 was sent to the affected property owners and a public notice was published in the Siuslaw News on October 27, 2018.
5. The City Council held a public hearing pursuant to FCC 8-5-1-5 on November 5, 2018 at the time and place stated in the public notice and after being fully advised by the testimony and reports presented at the hearing determined to proceed with the establishment of a proposed reimbursement district for the construction of sanitary sewer improvement along the east side of Hwy 101 between 52nd Street and south of Heceta Beach Road.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

1. There is hereby established a reimbursement district comprised of properties abutting the east side of Hwy 101 between 52nd Street and south of Heceta Beach Road. The proposed district area consists of the following nine benefiting properties as described as Assessor's Map Reference Number 18-12-14-20, Tax Lots 00101 and 00102; Map Reference Number 18-12-11-33, Tax Lots 00800, 00900, 01200, 01300, 01400, 01800, and 01900. A map of the reimbursement district boundaries is attached as Exhibit A.
2. Improvements will be constructed within the ODOT right-of-way of Hwy 101, between 52nd Street and south of Heceta Beach Road consisting of 1,498 linear feet of 12-inch sewer main and associated manholes, and service extensions.

3. As the applicant for the reimbursement district, the City will pay for all of the improvements, including project management. The current estimated costs of the project are \$433,000. Of the \$433,000, nine benefiting properties Assessor's Map Reference Number 18-12-14-20, Tax Lots 00101 and 00102; Map Reference Number 18-12-11-33, Tax Lots 00800, 00900, 01200, 01300, 01400, 01800, and 01900 will contribute reimbursement fees in the total amount of \$238,000, apportioned by lineal footage of street frontage along Hwy 101. The reimbursement fees will be paid to the City upon connection to the system, development, redevelopment, and/or annexation of their properties as applicable, as provided in FCC 8-5-1-12. The City's right of reimbursement shall not extend beyond fifteen (15) years from the District formation, up to and including November 5, 2033.
4. The reimbursement fees are based on two different variables: cost of the improvements and the amount of street frontage along Hwy 101 for each parcel. The fees for each property are listed on the attached Exhibit B. Reimbursement fee adjustment pursuant to FCC 8-5-1-13 shall be made by the City. The fee adjustment shall be based on the Engineering News Record (ENR) 20-City Composite Construction Cost Index and shall be the difference between the ENR beginning one year after the completion of the project and the ENR for the month in which any of the actions in FCC 8-5-1-12 are approved and which require payment of the reimbursement fee.
5. The reimbursement fees shall be charged against specially benefited property for a capital construction project, shall be limited to the cost of construction and engineering, not exceed actual cost, are for bestowal of a special benefit to specific property or to rectify a problem caused by specific property, and shall be payable upon the initiation of development activities identified in FCC 8-5-1-12 of the specially benefited properties. Therefore, the reimbursement fees to be levied for these improvements shall not result in an assessment upon or a lien against real property and the reimbursement fees collected by the City are not taxes subject to the property tax limitation in Article XI, Section 11b, of the Oregon Constitution.
6. The City shall notify all property owners within the district of the adoption of this reimbursement district resolution. The City Recorder shall cause this Resolution to be filed with the County Assessor and recorded in the real property records for Lane County so as to provide notice to potential purchasers of property within the district. The recording shall not create a lien.
7. Within three months after completion and acceptance of the improvements by the City, the Public Works Director shall review the actual costs and prepare a written report for the City Council. The Council shall consider the report and either direct that a public hearing be held on the completed improvements or modify the report on the completed improvements in the reimbursement district and direct that notice consistent with the requirements of FCC 8-5-1-4 of the hearing be given for the final project reimbursement schedule. Following the final public hearing, the City Council shall have the authority to approve, rescind, or modify the reimbursement and place liens against the benefited properties.

8. Except as this Resolution makes express, the reimbursement district shall be governed by the provisions of FCC Chapter 8-5.
9. This Resolution is effective upon adoption, and the date of formation of the reimbursement district shall be the effective date of this Resolution.

ADOPTION:

This Resolution is passed and adopted on the 5th day of November, 2018.



Joe Henry, Mayor

Attest:



Kelli Weese, City Recorder