

**RESOLUTION NO. 980**

**A RESOLUTION APPROVING THE APPLICATION FOR EXTENSION OF SEWER AND STORM SEWER LINES TO SERVE THE EAST WASHINGTON COUNTY TRANSFER AND RECOVERY FACILITY AND PROPERTY ADJACENT TO THE LINES; APPROVING APPORTIONMENT ON A PRO RATA BASIS THE COST OF THE EXTENSION; EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS; AND, AUTHORIZING CONCURRENCE WITH AN ENGINEERING SERVICES AGREEMENT BETWEEN DE HAAS & ASSOCIATES, AND WILLAMETTE RESOURCES, INCORPORATED.**

WHEREAS, Section 3.116 of the City Code - Extensions of Water, Storm Drainage and Sewer lines or Other Utility Services, provides policies and procedures for extension of utility lines by a property owner with repayment to the property owner when owners of property adjacent to the line make a connection thereto; and

WHEREAS, Mr. Ben Altman, acting on behalf of Willamette Resources, Inc., has requested the establishment of an authorized payback for construction of storm and sanitary sewer systems related to construction of the proposed Transfer and Material Recovery Facility on Ridder Road, in his letter dated December 23, 1992, marked Exhibit "A", attached hereto and incorporated herein; and

WHEREAS, under provisions of Section 3.116 of the City Code, Willamette Resources, Inc. agrees to pay the cost of extending the sewer and storm sewer lines to serve their property and the lines would be adjacent to property other than their own, and use is provided for such other property without further extension of the lines or utilities; and

WHEREAS, paragraph (2) of Section 3.116 of the City Code requires that the City Engineer inspect the site of the proposed extension, and shall report in writing to the City Recorder whether or not the extension is feasible, desirable and necessary for the orderly development and extension of the city's sewage and storm sewer systems; and

WHEREAS, based on the Engineer's report, February, 1993, marked as Exhibit "B" attached hereto and incorporated here, the City Engineer has determined that it is feasible, desirable, and necessary for the orderly development and extension of the city's sewer and storm sewer systems to extend the sewer and storm sewer lines to serve the East Washington County Transfer and Recovery Facility; and

WHEREAS, based upon the Engineer's report, February, 1993, marked as Exhibit

"B", the City Engineer recommends to the Council, a refund method to fairly apportion, on a pro rata basis the cost of the extension based on the area of each parcel to be served by each sewer and storm sewer line in accordance with this section of the Code in accordance with Exhibit "B". Additionally, the report of the community Development Director of February 23, 1993, supports the above determinations and recommendations and is marked as Exhibit "C" and made a part of the record herein; and

WHEREAS, Willamette Resource, Inc. has advised it has a separate, private agreement with residents in Garden Acres, to size the sewer to ensure that capacity is available to serve the Garden Acres subdivision at some time in the future and that it believes that the City's minimum standards for this project will be otherwise sufficient to meet Willamette Resource's private agreement and therefore there is no need for oversizing; and

WHEREAS, the City is not a party to the aforementioned private agreement and notes that (1) the Garden Acres subdivision is presently outside of the Urban Growth Boundary of the City of Wilsonville and the City cannot provide service to this area without prior approval of the Boundary Commission; (2) trunk lines downstream of the connection of the sanitary sewer line to the existing city sewer system may not have sufficient capacity to serve the Garden Acres subdivision without reconstruction of the trunk line or construction of a parallel line; and (3) that in any event, any costs associated with oversizing the sewer line to enable Willamette Resources, Inc. to comply with a private agreement should not be assessed against other properties to be served by that sewer line; and

WHEREAS, the East Washington County Recovery and Transfer Facility and other properties adjacent to the sewer and storm sewer lines are in an industrial zone and will have similar capacity requirements per acre; and

WHEREAS, the City Council may adopt, in whole or in part, the engineer's recommendation or establish a refund method as it deems appropriate, just and reasonable; and

WHEREAS, apportionments for sewers and storm sewers may be based on area, flow volumes or frontage footage, or a combination thereof; and

WHEREAS, apportionment on a pro rata basis, based on area is equitable for this line extension; and

WHEREAS, owners of the McFarland property have not, thus far, agreed to dedicate an easement as of the time of preparation of this Resolution without a reduction or elimination of the assessment for their apportioned share of their construction cost; and

WHEREAS, Section 2.312 of the City Code states that "the Council is hereby designated as the Local Contract Review Board and relative to contract terms for the City, shall have all the powers granted to the State Public Contract Review Board; and

WHEREAS, Section 2.314 (1) states, that "All contracts shall be based upon competitive bid, with certain exceptions."; and

WHEREAS, Section 2.314 (2) states, that "The Board may, by Resolution, exempt other contracts from competitive bidding if it finds: (a) lack of bids will not result in favoritism or substantially diminish competition in awarding of the contract; and, (b) the exemption will result in substantial cost savings. In making such findings the Board may consider the type, cost, amount of the contract, number of persons available with the bid, and such other factors as the Board may deem appropriate."; and

WHEREAS, Oregon Revised Statutes 279.015 - Competitive Bidding Exemptions, also allows exemptions as stated in the City Code; and

WHEREAS, De Haas & Associates has performed the preliminary survey, develop legal descriptions and perform the preliminary engineering on this project for Willamette Resources, Inc.; and

WHEREAS, the use of another consulting engineering firm at this time would require a very significant duplication of engineering effort, would delay preparation of final plans and specifications and would result in a significant increase in cost for Willamette Resources, Inc. and other parties which will be assessed as part of this line extension agreement; and

WHEREAS, construction of this project needs to be expedited to ensure that sewer and storm sewer services are available for the Transfer and Recovery Facility, prior to opening of the facility; and

WHEREAS, the City will retain all decision authority with regard to assessments and will review all plans; and

WHEREAS, paragraph (2) of Section 3.116 of the Code requires that following a finding, that the line extension is feasible and desirable for the early development extension of the city's sewer and storm sewer system. The City Engineer shall prepare or cause to be prepared, all necessary plans and specifications for the proposed project; and

WHEREAS, the City engineering staff is extremely busy with other projects and does not have time to accomplish the preparation of plans and specifications; and

WHEREAS, the Council finds no conflict of interest in having the engineer that was initially retained by Willamette Resources, Inc. and who is doing other work for Willamette Resources, Inc. prepare the plans and specifications for this project; and

WHEREAS, the Council, as the Local Contract Review Board finds, that under the circumstances as recited above concurring with the award of the engineering services contract to De Haas & Associates by Willamette Resources, Inc. will not result in favoritism or substantially diminish competition in awarding the contract, and will result in substantial contract cost savings; and

WHEREAS, the Council finds such an award of an engineering contract meets the service contract exceptions under State law and City Code; and

WHEREAS, the Council finds that the extension of the sewer and storm sewer lines to serve the East Washington County Transfer and Recovery Facility is economically feasible, desirable, and necessary; and

WHEREAS, the Council finds that the apportionment of cost based on acreage as described in the engineer's report is fair as a basis for determining the refunds; and

WHEREAS, the Council finds that service outside the Urban Growth Boundary is not authorized without prior approval of the Boundary Commission; and

WHEREAS, the Council finds that it cannot guarantee future capacity or private agreements; and

WHEREAS, the Council finds that any additional costs, if any, required to design and construct the line to provide capacity for a future connection to provide sewer service to Garden Acres must be totally at the expense of Willamette Resources, Inc.; and

WHEREAS, the Council finds that any additional cost required to obtain an easement from owners of the McFarland property must be borne by Willamette Resources, Inc.

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


1. The Council hereby approves the application for the extension of the sewer and storm sewer lines to serve the East Washington County Transfer and Recovery Facility.
2. The Council approves the cost apportionment based on acreage.
3. The Council approves Willamette Resources, Inc. being totally responsible for the additional cost, if any, of designing and constructing the sewer line to provide capacity for possible future service to Garden Acres, with actual service subject to Boundary Commission approval and available line capacity at the time of the proposed connection.
4. The Council determines that any cost of acquisition of easements or possible trade-off in construction costs for easements will be borne by Willamette

Resources, Inc.

5. That the City Council, serving in its roll as a Local Contract Review Board, does hereby exempt the award of the concurrence with the engineering service agreement for development of plans and specifications, and to provide engineering services during construction of the sewer and storm sewer lines to serve the East Washington County Transfer and Recovery Facility from competitive bidding requirements.

6. The City Council, serving as a Local Contract Review Board, does hereby concur and authorize the City Manager to sign concurrence with an engineering service agreement between De Haas & Associates and Willamette Resources, Inc. to provide engineering services for preparation of plans and specifications, and to provide engineering services during construction of the sewer and storm sewer lines to the East Washington County Transfer and Recovery Facility.

ADOPTED by the City Council of the City of Wilsonville at a regular meeting thereof, this 1st day of March, 1993, and filed with the Wilsonville City Recorder this same date.

  
GERALD A. KRUMMEL, Mayor

ATTEST:

  
VERA A. ROJAS, CMC/AAE, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>AYE</u>
Councilor Carter	<u>ABSENT</u>
Councilor Hawkins	<u>AYE</u>
Councilor Lehan	<u>AYE</u>
Councilor Van Eck	<u>AYE</u>

December 23, 1992

Eldon Johansen  
Wilsonville Community Development Director  
30000 Town Center Loop E.  
Wilsonville, Oregon 97070

RE:           Establishment of an Authorize Payback for Construction of  
          → Storm and Sanitary Sewer Systems Related to Construction  
              of the Proposed Transfer and Material Recovery Facility  
              on Ridder Road.

Dear Eldon:

As you know, I am the coordinating consultant for Willamette Resources, Inc. on the above referenced project. On December 15, 1992 we were finally authorized by Metro to proceed with final design work for the facility. The final design work will determine the capital costs for the project, which will be used as the basis for Metro's bond sale.

The construction of the transfer station, including off-site street and utilities, will be initially funded by Revenue bonds issued by Metro. The bonds will be guaranteed by Willamette Resources, Inc. and repaid through gate receipts at the station.

One of the major capital costs for this project will be construction of off-site storm and sanitary sewer systems. We have already initiated preliminary design work for these utilities under contract with DeHaas and Associates, Engineers. In addition, we have been coordinating with the adjacent property owners, who will also benefit from these utility improvements. We have obtained letters of intent to cooperate and participate, see attached.

The proposed utilities will be located and sized such that other properties will benefit. The special public bond financing for the transfer station is not intent to subsidize development of other private industrial properties. Therefore we request that the City establish a payback (of bonds), under the provisions of Section 3.116 of the City Code.

We understand that in order to qualify for such a payback, the project must be constructed as a public project. The purpose of this letter is to initiate the required public process.

Since we have already initiated preliminary design work, we also request that the City Council **authorize Marlin DeHaas, of DeHaas and Associates as the project Engineer.** Marlin is familiar with the area, has done work for the City in the past, and has already prepared the preliminary designs and cost estimates. It would be inefficient, adding additional unnecessary costs and critical time delays to assign a new engineer to the project.

We want to emphasize that the City does not incur any costs, except staff time, by authorizing this project. All design, construction, and administrative costs will be included in the final spread of assessments to the various property owners. Initially the costs will be guaranteed by Willamette Resources, and subsequently paid by the Metro bond proceeds. In this case, the City will administer collection of future paybacks from other properties, and will distribute funds received to retire the bonds. The monies will not go directly to Willamette Resources.

It is important to acknowledge that we are operating under an extremely compressed time schedule, so we hope this matter can be placed on the Council's January 4th agenda. We need to get started as soon as possible. The target date for the bond sale is June 15, 1993. In order to meet this date, **we need final design costs determined by March 1, 1993, see attached work program schedule.**

I have enclosed our preliminary system drawings, easement map, initial cost estimate and assessment formula, and letters of intent from adjacent land owners. If you need any additional information please call me. Also please let me know when this request will be placed on the Council agenda.

I will be available to assist staff as needed to keep this project on a timely track. We look forward to a cooperative effort. Thank you for your continued assistance.

Sincerely,



Ben J. Altman

12/21/92

EASTERN WASHINGTON COUNTY  
TRANSFER AND MATERIAL RECOVERY FACILITY

PHASE II FINAL DESIGN WORK SCHEDULE  
KEY ACTION DATES

The following is list of key action dates which must be met to meet the targeted opening of the facility in July 1993.

DEC. 15 Metro Solid Waste Committee authorized initiation of Phase II final design work.

1993

JAN. 4 Submittal for Feb 22 Design Review Board.

JAN. 4 City Council authorize 3.116 payback and Assign Dehaas as Engineer.

FEB. 22 Design Review Board Hearing

MAR. 15 Complete Phase II final design work.

Mar. 26 Submit Franchise proposal numbers to Metro.

MAY 1 Metro Council approval of Franchise.

JUNE 15 Bond Sale

JULY 1 Initiate construction.

OCT. ODOT ROW acquisition - 95th to Boones Ferry.

1994

SPRING ODOT construct 95th. to Boones Ferry.

JULY 1 Targeted facility operation.



### 3.111 (Cont.)

deem necessary, in order to provide adequate revenue for the City's sewer department for operation, maintenance and expansion of the City's sanitary sewer system.

### 3.114 Sewage Collection and Treatment System - Inspectors' Powers.

(1) The Director of Community Development (conforming change, Amend. Ord. #330, 7/5/88) and other duly authorized employees and representatives of the City bearing proper credentials and identification shall be permitted to enter upon all properties for the purpose of inspection in accordance with the preceding sections at such times and during such hours as may be reasonably necessary for such inspections and enforcement of this Code.

### 3.116 Extensions of Water, Storm Drainage and Sewer Lines or Other Utility Services.

(1) If any person agrees to pay the costs of extending a water, storm drainage, or sewer main or lateral line or any cable or other television, telephone, electrical, natural gas or other utility, to serve his property, and the extension of such line or utility would be adjacent to property other than his own so that water, storm drainage, sewer service, cable or other television, telephone, electrical, natural gas or other utility for either commercial, industrial or domestic use is provided for such other property without further extension of the lines or utilities, the City shall require the owners of the other property prior to providing water, storm drainage, sewer service, or any cable or other television, telephone, electrical, natural gas or other utility service to such other property, to refund to the person required to pay the costs of extending the water, storm drainage, sewer lines or any cable or other television, telephone, electrical, natural gas or other utility service a pro rata portion of the costs of the extension. The right of the City to require such refunds shall not continue for more than ten (10) years after the date of installation of the extension of the water, storm drainage, sewer line or any cable or other television, telephone, electrical, natural gas or other utilities. The amount to be refunded shall be determined by the Council, and such determination shall be final.

Once a determination has been made, the City Recorder shall enter in the docket of City liens a statement of the refund amount upon each particular lot, parcel of land, or portion thereof, together with the fact that prior to providing water, storm drainage, sewer service, or any cable or other television, telephone, electrical, natural gas or other utility service to the effected property, the refund amount shall be paid to the City, the date of installation of the extension improvement, the date to require such a refund shall not continue for more than ten (10) years after the date of the installation, a description of the improvement and the name of the owners. Upon the expiration of the ten (10) year period and without a refund becoming due and owing, the City Recorder shall remove the entry in toto from the City's lien docket.

(2) Any person who undertakes to pay the costs of extending a water, storm drainage, sewer service, or any cable or other television, telephone, electrical, natural gas or other utility which, when extended, will be adjacent to property other than his own, shall first file with the City Recorder a description and map outlining the improvement areas showing the adjacent properties which can be served from the extension of such line or utility. The City Recorder shall make a copy thereof and deliver it to the City Engineer

3.116 (Cont.)

who shall inspect the site of the proposed extension and report in writing to the City Recorder whether or not the extension is feasible, desirable and necessary for the orderly development and expansion of the City's sewage collection, storm drainage, water distribution systems or any cable or other television, telephone, electrical, natural gas or other utility services. Should it be determined by the City's Engineer that it is not economically feasible or practical from an engineering study and investigation, the City Recorder shall report such facts to the person who filed the application and return the description and map. To be feasible and desirable for the orderly development and expansion of the City's sewer, storm drainage, water systems, or any cable or other television, telephone, electrical, natural gas or other utility services, the City Engineer shall prepare or cause to be prepared all necessary plans and specifications for the proposed project. The City Engineer shall also prepare or cause to be prepared a recommendation to the Council of a refund method to fairly apportion on a pro rata basis the costs of the extension in keeping with subsection (1) above. The Council may adopt, in whole or in part, the Engineer's recommendation, or establish a refund method as it deems appropriate, just and reasonable.

(3) Upon approval by the City Council of the application for the extension of the water, storm drainage, sewer lines, cable or other television, telephone, electrical, natural gas or other utility services, and after preparation of the plans and specifications for the work project, the applicant shall pay to the City Recorder the total estimated costs of the project, including the legal, engineering and supervision costs. Thereafter, the City Recorder shall advertise in a local newspaper once a week for two successive weeks for sealed bid proposals for construction of the improvement project. The bid proposals shall be publicly opened at either a regular or special meeting of the City Council held at least ten (10) days after the first publication for bids. The City Council may waive any irregularity in bidding procedures, reject any or all bids or award a contract to the bidder who, in the opinion of the City Council is best qualified to undertake and perform fully in a satisfactory manner the public improvements which are to be constructed. If there are not any bidders or if all bids are rejected, the City Council may direct the work to be completed either by a City work force or it may award a contract to any person, firm or corporation who, in the opinion of the City Council, is competent and qualified to perform the work in accordance with the plans and specifications. The City Council shall confer with the applicant and obtain his approval before awarding the contract or before deciding to perform the work by the City work force.

(4) Notwithstanding any provisions to the contrary, in the event any utility service is provided pursuant to a franchise agreement, then Council shall direct the work to be completed pursuant to any such franchise agreement.

(5) If, prior to the commencement of construction, an applicant withdraws his application or notifies the City of his desire to abandon the project, he shall pay to the City, in full, its actual costs incurred to that time and including, though not exclusively, all legal and engineering costs.

(6) In the event the City shall construct or shall pay for the construction of water, storm drainage, sewer lines, cable or other television, telephone, electrical, natural gas, or other utility service within privately owned property, and there is no agreement to the contrary, the City shall require the owners of said property prior to providing such water, storm drainage, sewer service, cable or other television, telephone, electrical, natural gas, or other utility services to such property, to refund to the City a pro rata portion of the costs of the extension. The provisions of this Section shall apply to the owners of said

# L.D. MCFARLAND COMPANY

PRESERVERS - SHIPPERS

SERVICE BRAND

WESTERN CEDAR POLES

LOGEPOLE - LARCH - DOUGLAS FIR

(206) 572-3033  
(800) 426-8430

FAX (206) 627-0764  
P.O. BOX 1496

TACOMA, WASHINGTON 98401

June 18, 1992

Mr. Ben Altman  
Altman Urban Solutions  
700 SW Taylor - Suite 305  
Portland, OR 97205

RE: United Disposal Utility Easement

Dear Ben:

This letter is in response to your previous inquiry regarding a utility easement along McFarland's west property line as has been necessitated by the planned industrial development by United Disposal Service, Inc. on the property to the north of ours. As you related this to us, our approval is a condition required by the City of Wilsonville.

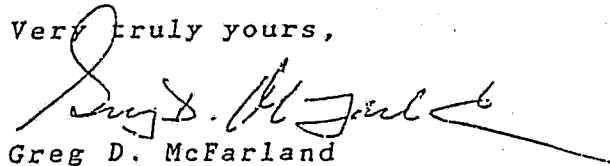
While we have specific concerns, as set below, this letter is a statement of our intent to cooperate and comply with your request for dedication. Formal granting of the dedication will occur at a future time as this project further develops, and assuming we all come to a common agreement.

We have reviewed the street and utility master plan map, dedication form, legal description, and funding formula you provided. We see that we are one of five property owners who are being asked to participate in this coordinated project. We understand that the proposed street and utility improvements will provide benefit for our property relative to future industrial development. As development occurs, the City will place conditions on our property similar to those required of United Disposal.

Our primary concern, as relates to this project, is of the cost to us. We will not only have to give up 1.53 acres, but we would have to also contribute an additional \$39,000 to the cause. This is more than we care to contribute toward this project, especially since our property will be providing the most ground for the easement and our primary intention is to sell this property, not further develop it. Pending our coming to terms with United Disposal as to the costs involved, we would be in favor of the granting of the easement.

I hope this letter expresses our support for this project.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Greg D. McFarland", with a long horizontal flourish extending to the right.

Greg D. McFarland  
Vice President

GDM:cak



## OREGON GLASS

10450 SW. Ridder Road • P.O. Box 649 • Wilsonville, OR 97070 • (503) 682-3846

April 14, 1992

Ben Altman  
Altman Urban Solutions  
700 SW Taylor, suite 305  
Portland, Oregon 97205

RE: Letter of intent to dedicate street right-of-way or public utility easement related to industrial development along SW Ridder Road, Wilsonville, Oregon.

Dear Ben:

This letter is in response to your previous inquiry regarding dedication of a public utility easement for storm drainage improvements (or additional street right-of-way for SW Ridder Road). It is our understanding that the need for the proposed improvements, at this time, is related to conditions of approval, imposed by the city of Wilsonville, on a planned industrial development by United Disposal Service, Inc. along Ridder Road.

While we have specific concerns, as set below, this letter is a statement of our intent to cooperate and comply with your request for dedication. Formal granting of the dedication will occur at a future time as this project is further developed.

We have reviewed the street and utility master plan map, dedication form, legal description, and funding formula you provided. We see that we are one of five property owners who are being asked to participate in this coordinated project. We understand that the proposed street and utility improvements will provide benefit for our property relative to future industrial development. As development occurs, the City will place conditions on our property similar to those required of United Disposal.

We further understand the proposed funding mechanism for these improvements will be revenue bonds issued by Metro, backed by solid waste transfer fees collected at the gate of United's proposed facility. The full obligation for securing bonds will fall directly on United Disposal Service, Inc.

Our financial participation, together with the other effected properties, will come in the form of systems development and connection fee surcharges or paybacks. We further understand that such paybacks will ultimately be determined by the Wilsonville City Council. The possibility for installment payments will also be determined by City Council. Although, staff has indicated support for the installment option. However, we recognize the City may actually require connection to the sanitary sewer when it becomes available.

OREGON GLASS

All of the participating properties are planned and zoned industrial. They are therefore considered equal, relative to impact on the street and utilities, except where no direct connection will occur. However, the Freeman and McFarland properties will not benefit from the storm drainage system. The Freeman property will also not benefit from either the street or sewer extension, it is, however, necessary for the sewer to cross their site. Further, the proposed financial contributions assume all right-of-way and easements are dedicated without cost to the project.

Based on an acreage formula assessment the distribution of financial participation is estimated as follows:

Owner	Acres	Contribution	Dedication
United Disposal	15.13 acres	\$589,040	.974 acres ROW
Oregon Glass	7.55	37,984	.11 ac. Esmnt
McFarland	19.39	39,547	1.53 ac. Esmnt
Freeman	17.64	0	.43 ac. Esmnt
Bonneville Power	23.63	0	.414 acres ROW
Interstate Dist.	5.53	<u>27,996</u>	.094 acres ROW
Total Estimated Project Cost		\$721,567	

NOTE: United's financial contribution includes \$119,225, accounting for significant public ownership by BPA, which is exempt from assessments.

In our previous conversation, I told you of our concern about when the assessment would be charged to Oregon Glass. I also asked if it would be possible to pay the assessment in installments, rather than a lump sum. We also need to make sure that the storm easement does not conflict with an easement granted to McFarland/BPA for a rail spur.

I hope this letter is sufficient to indicate our commitment of support for the project.

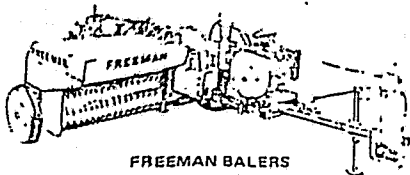
Sincerely,



Wayne Metcalfe  
President

# J. A. FREEMAN & SON, INC.

2034 N. W. 27th AVENUE  
PORTLAND, OREGON 97210

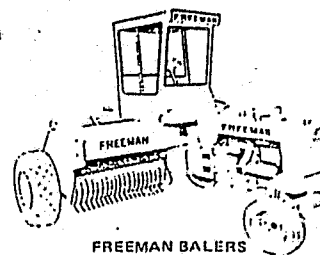


FREEMAN BALERS  
Pull Type Model  
Two or Three Twine or Wire



Cable Address:  
Freeman

Phone:  
(503) 222-1971



FREEMAN BALERS  
Self Propelled Model  
Two or Three Twine or Wire

May 11, 1992

Ben Altman  
Altman Urban Solutions  
700 S.W. Taylor, Suite 305  
Portland, OR 97205

RE: Letter of intent to dedicate public utility easement  
related to industrial development along S.W. Ridder  
Road, Wilsonville, Oregon.

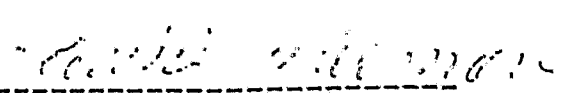
Dear Ben,

This letter is in response to your previous inquiry regarding dedication of a public utility easement for storm drainage improvements. It is our understanding that the need for the proposed improvements, at this time, is related to conditions of approval imposed by the City of Wilsonville on a planned industrial development by United Disposal Service, Inc. along Ridder Road.

We have reviewed the street and utility master plan map, dedication form, legal description, and funding proposal formula you provided. We understand the proposed funding mechanism for these improvements will be revenue bonds issued by Metro, backed by solid waste transfer fees collected at the gate of United's proposed facility. The full obligation for securing the bonds will fall directly on United Disposal Service, Inc. It is our understanding we would have no financial participation. We are only being asked to dedicate an easement for a sanitary sewer. We want to be sure that such an easement will not affect the possibility of a future rail siding that would be placed over the path the proposed sewer would take. Further we want to be sure that in exchange for providing this easement at no cost that there would not be any future charges to us for hooking up to the proposed sewer.

I hope this letter is sufficient to indicate our commitment of support for this project with the reservations noted in the above paragraph.

Yours truly,

  
-----  
Kevin Freeman, V.P.-Sec.  
J.A. Freeman & Son, Inc.

Manufacturers and Distributors of Agricultural Implements

FREEMAN Fully Automatic Pick-up Baler • Self Propelled and Pull Type 2 and 3 twine or wire • Automatic Self Propelled Bale Wrappers • Round Baling  
Full Circle Fifth Wheel Wrappers • Bale Accumulator • Swivel Load Hitches • Coil Spring Harrows

COMPLETE SHOP REPAIR SERVICE

APRIL 6, 1992

MT TAHOMA LEASING  
P. O. BOX 99909  
TACOMA, WA 98499

BEN ALTMAN  
ALTMAN URBAN SOLUTIONS  
700 SW TAYLOR WAY, SUITE 305  
PORTLAND, OREGON 97205

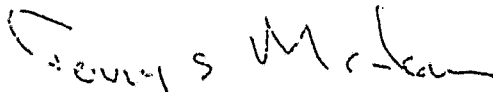
RE: LETTER OF INTENT TO DEDICATE STREET RIGHT-OF-WAY  
OR PUBLIC UTILITY EASEMENT RELATED TO INDUSTRIAL  
DEVELOPMENT ALONG SW RIDDER ROAD, WILSONVILLE OR.

DEAR BEN:

THIS LETTER IS IN RESPONSE TO YOUR INQUIRY REGARDING  
DEDICATION OF A PUBLIC UTILITY EASEMENT RELATED TO  
INDUSTRIAL DEVELOPMENT ALONG SW RIDDER ROAD. WE ARE  
IN SUPPORT OF THIS PROJECT AND INTENT TO COOPERATE AND  
COMPLY WITH YOUR REQUEST FOR DEDICATION AND FINANCIAL  
PARTICIPATION. WE ARE INTERESTED IN AN INSTALLMENT OPTION  
FOR OUR PORTION OF THE ASSESSMENT.

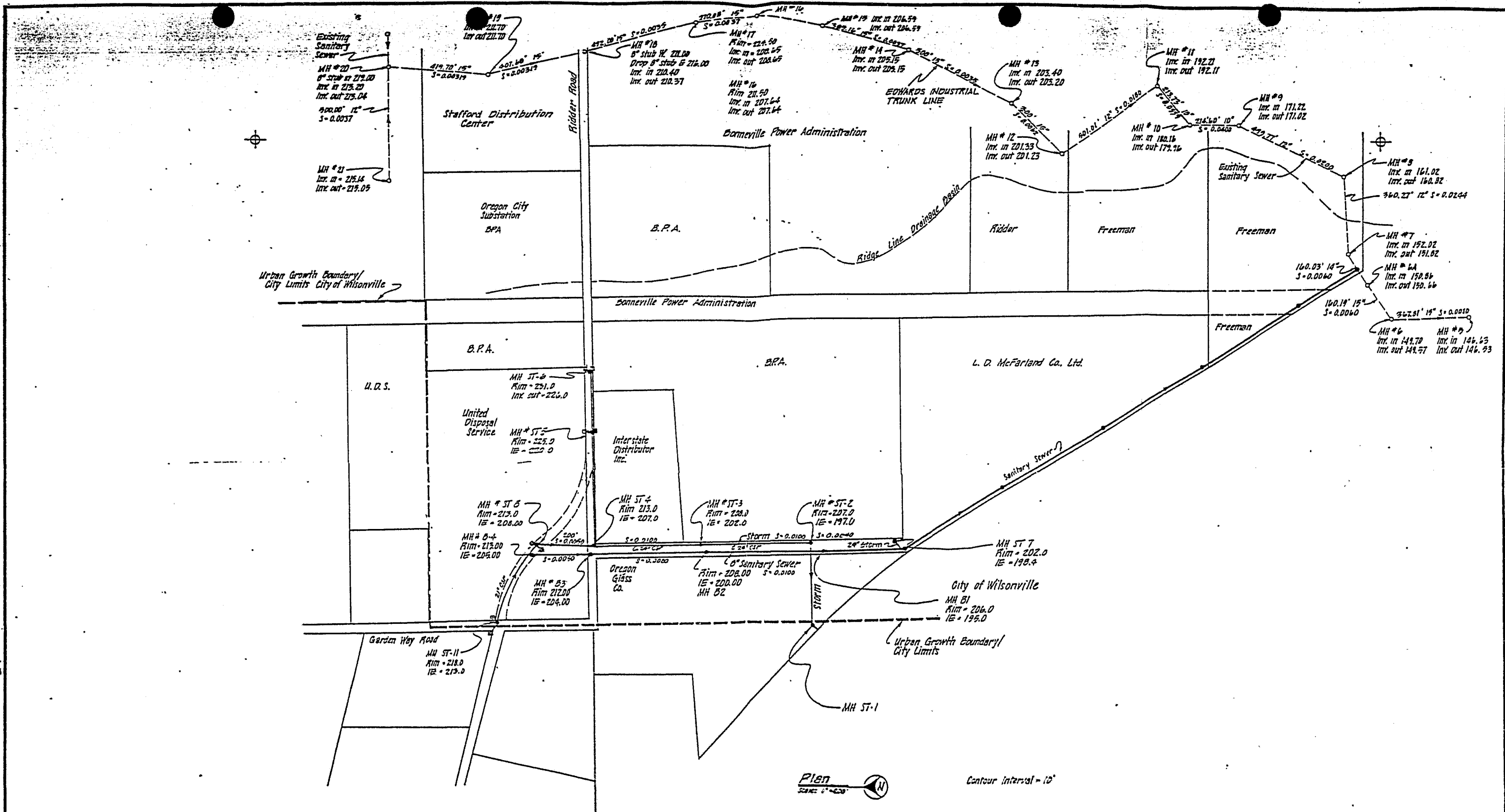
I HOPE THIS LETTER IS SUFFICIENT TO INDICATE OUR  
COMMITMENT OF SUPPORT FOR THIS PROJECT.

SINCERELY,



TERRY S. MCLEAN  
MT TAHOMA LEASING  
PARTNER





Plan  
Scale 1" = 40'

Contour Interval = 10'

Washington County      Clackamas County



DATE	NO.	REVISIONS	BY	CHECKED
5-19-92	3	Remove Water - Reduce to 11x17	D.V.	D.M.P.
1-28-92	2	Revision to reflect improvement City Distribution		
8-19-91	1	Original P.S. and P.M. issued for Bonneville along McFarland		

D.M.P. DESIGNED	APPROVED
D.V. DRAWN	
M.D. CHECKED	

**DE HAAS & Associates, Inc.**

Suite 308 - JCC Center  
834 S.W. Commercial Circle  
Wilsonville, Oregon 97178

(503) 842-1488  
Fax: 834-6194

**UNITED DISPOSAL SERVICE**  
Wilsonville Recycle Center & Transfer Station  
Wilsonville, Oregon

SCALE 1" = 40'	DATE July 18, 1991	FILE 91-118-600
SHEET 1/1		

EXHIBIT A

Sanitary Sewer and Storm Drain Easement  
LD McFarland, Inc.

A Public Utility Easement located in the west one-half of the northwest quarter of the northwest quarter of Section 11, Township 3 South, Range 1 West, Willamette Meridian, being 25 feet wide, 12.50 feet either side of the following described centerline:

Beginning at a point on the north property line of the 60 foot access strip, said line being the south right-of-way line of Ridder Road, and said point being 12.50 feet west of the northeast corner of said access strip; thence South  $0^{\circ}04'00''$  East parallel to and 12.5 feet west of the east property line for a distance of 1401 feet, more or less, to the southwesterly property line, said line being the northeasterly right-of-way of the Burlington Northern Railroad.

Contains 0.80 acres, more or less.

Public Storm Drain Easement  
LD McFarland, Inc.

A Public Storm Drain Easement located in the west one-half of the northwest quarter of the northwest quarter of Section 11, Township 3 South, Range 1 West, Willamette Meridian, being 15 feet wide, 7.50 feet either side of the following described centerline:

Beginning at a point on the west property line, said point being North 338.23 feet of the southwest corner of the 60 foot access strip; thence North  $89^{\circ}56'00''$  East 35.00 feet to the west line of a Public Utility Easement over the east 25 feet of said access strip.

Contains 525 square feet, more or less.

EXHIBIT A

Sanitary Sewer Easement  
LD McFarland, Inc.

A Public Sanitary Sewer Easement located in the west one-half of the northwest quarter of Section 11, Township 3 South, Range 1 West, Willamette Meridian, being 20 feet wide, 10 feet either side of the following described centerline:

Beginning at a point on the south property line, said point being 10 feet east of the easterly right-of-way of the Burlington Northern Railroad; thence North  $31^{\circ}58'27''$  West parallel to and 10 feet east of the said right-of-way line, said line is the westerly property line, for a distance of 1318 feet, more or less, to a point 10 feet east of the point of curvature of said right-of-way; thence continuing North  $31^{\circ}58'37''$  West for a distance of 256 feet to a point on the west property line.

Contains 0.72 acres, more or less.

EXHIBIT A

Sanitary Sewer Easement  
Freeman

A public sanitary sewer easement located in the north one-half of the southwest quarter of Section 11, Township 3 South, Range 1 West, Willamette Meridian, being 20 feet wide, 10 feet either side of the following described centerline:

Beginning at a point located at the center of Manhole 7, Edwards Industrial Trunk line, said point being 3255.21 feet south and 1582.68 feet east of the northwest corner of said Section 11; thence North  $49^{\circ}10'20''$  West 217.72 feet to a point 10 feet east of the east right-of-way of the Burlington Northern Railroad; thence North  $31^{\circ}58'27''$  West parallel to and 10 feet east of the said easterly right-of-way, 555 feet more or less a point on the north property line.

Contains 0.34 acres, more or less.

EXHIBIT A

Public Storm Drain Easement  
Oregon Glass

A Public Storm Drain Easement located in the west one-half of the northwest quarter of the northwest quarter, Section 11, Township 3 South, Range 1 West, Willamette Meridian, being 15 feet wide, 7.50 feet either side of the following described centerline:

Beginning at a point on the east property line said point being 338.23 feet north of the southeast property corner; thence South  $89^{\circ}56'00''$  West 292.43 feet; thence South  $69^{\circ}56'00''$  West 22.20 feet to a point on the westerly property line, said line is also the easterly right-of-way line for the Burlington Northern Railroad.

Contains 0.11 acres, more or less.

**Exhibit "B"**

**ENGINEER'S REPORT**

**RIDDER ROAD AREA SANITARY SEWER & STORM DRAIN IMPROVEMENTS**

(Willamette Resources, Inc. "Refund" Project per Section 3.116 City Code)

February , 1993

91.118.600

Scope of Project

Willamette Resources Inc. (WRI) proposes to build and operate a solid waste transfer and material recovery station, to be located on SW Ridder Road, in Wilsonville. The facility will be privately owned by WRI and operated under a franchise from Metro.

Construction of this facility will include extension of off-site improvements of public sanitary sewer and storm drainage systems, as required by land use approval, adopted by Planning Commission Resolution 91PC33. These Conditions of Approval were attached consistent with Policy 4.3.5 of the Comprehensive Plan, which states as follows:

"Development will coincide with the provision of public streets, water, sanitary sewer, and storm drainage facilities. These facilities shall be (a) capable of adequately serving all intervening properties as well as the proposed development and, (b) designed to meet City or County standards."

This Plan Policy is implemented through Section 4.139(4)(c) of the Planned Development Regulations, which require:

"That the location, design, size and uses are such that the residents of establishments to be accommodated will be adequately served by existing or immediately planned facilities and services."

System improvements, as required, involve extension of approximately 3,830 feet of sanitary sewer, and 2,360 feet of storm drainage facilities as generally prescribed by the attached preliminary plan, Exhibit "I". These improvements will cross or otherwise be adjacent to, and capable of serving, four other properties not owned by WRI.

The project is to be pursued as a "refund" project in the usual manner as prescribed by City Code Section 3.116 (Extensions of Water Storm Drainage and Sewer Lines or Other Utility Services) and is subject to an agreement between the CITY OF WILSONVILLE and WILLAMETTE RESOURCES, INC. (\_\_\_\_\_) and City of Wilsonville Resolution No. \_\_\_\_ (\_\_\_\_\_).

Basis for Refund

The Wilsonville Code provides for a "Refund" to any person who pays for extending public lines that are capable of serving other properties. Section 3.116 of the

Code states as follows:

- (1) "If any person agrees to pay the costs of extending a water, storm drainage, or sewer main or lateral or any cable or other television, telephone, electrical, natural gas or other utility, to serve his property, and the extension of such line or utility would be adjacent to property other than his own so that water, storm drainage, sewer, cable or other television, telephone, electrical, natural gas or other utility for either commercial, industrial or domestic use is provided for such other property without further extension of the lines or utilities, the City shall require the owners of the other property prior to providing water, storm drainage, sewer service, or any cable or other television, telephone, electrical, natural gas or other utility service a pro rata portion of the costs of the extension. The right of the City to require such refunds shall not continue for more than ten (10) years after the date of installation of the extension of the water, storm drainage, sewer line or any cable or other television, telephone, electrical, natural gas or other utilities. The amount to be refunded shall be determined by the Council, and such determination shall be final."

#### Benefitted Properties

Properties which can be served by the proposed improvements are shown on Exhibit "I", and include the following ownerships:

1. Willamette Resources, Inc. (WRI)
2. Oregon Glass Company
3. L.D.McFarland Company, Ltd.
4. Edward Bolf
5. Mt. Tahoma Leasing Company
6. Bonneville Power Administration

The sanitary sewer line must also cross land owned by J.A. Freeman & Son, Inc. However, this property will not benefit from the proposed extension. The Freeman property already has direct access to the existing sewer main and can obtain service without extension of a public line. The Freeman property owners have agreed by letter to grant the necessary easement.

The boundaries of the proposed Refund District were drawn in accordance with the provisions of Section 3.116. Properties have been included which are considered adjacent and/or serviceable without further extension of public lines. This determination was made based on the following considerations:

Willamette Resource, Inc.

WRI and Peltier Real Estate Company are subsidiary companies. They own 25.04 acres. WRI will be financing 100% of the initial construction of the lines. All of their property can be served by the extensions of both sanitary and storm facilities. However, 9.91 acres lies outside of the City limits and Urban Growth Boundary (UGB). Therefore only 15.13 acres can be served without an UGB change and annexation.



#### Oregon Glass Company

Owns approximately 14 acres. The sanitary and storm lines will be located in a 60 foot wide panhandle of the McFarland property, adjacent to the eastern boundary of the Oregon Glass property. A portion of the storm system may cross the southern portion of their property (Alternative 1 & 2). This line will require granting of a 15 foot wide easement. All of their property can be served by the extensions of both sanitary and storm facilities. However, their property is divided by the Regional Urban Growth Boundary (UGB) and City Limits. Therefore only 7.55 acres can be served, until the UGB is amended and the property is annexed to the City.

#### L. D. McFarland Co. Ltd.

McFarland owns 19.03 acres. The sanitary sewer line will pass across the western portion of their property adjacent to the rail road right-of-way, and then north within a 60 foot wide panhandle, which provides access to the property. Granting of a 20 foot easement is required for the sewer line, up to the panhandle, then a 25 foot easement for both storm and sanitary sewer is needed. All of their property can be served by the sanitary sewer extension. However, none of the property can be served by the storm drainage improvements, even though the system will be located within their access drive.

#### Interstate Distributor Co.

Interstate Distributor Co. and Mt. Tahoma Leasing are subsidiary companies. They own or are purchasing on contract 5.33 acres, in two separate Tax Lots. One lot on Exhibit "I" is listed as Edward Bolf, who is a contract seller to Mt. Tahoma. The sanitary and storm lines will be located, in a 60 foot wide panhandle of the McFarland property, adjacent to the western boundary of the Interstate/Bolf property. Because of the joint ownership, these two lots are considered as one in concluding, they both can be served by both sanitary and storm facilities without further extensions of public lines.

#### Bonneville Power Admin.

BPA operates a major substation just east of the proposed project area. They own several acres around the substation. The sanitary and storm lines will be located, in a 60 foot wide panhandle of the McFarland property, adjacent to the southwest portion of the BPA property. However, most of the BPA property is not expected to be developed for industrial uses. Only the southwesterly 14.54 acres of the BPA property have been considered as adjacent and serviceable by the proposed improvements. This is also the area that is most likely to be developed for uses other than for BPA itself. Approximately 3 to 4 acres of this area is currently being leased and used by Interstate Distributor Co.

#### Basis for Participation in Refund.

Beyond the specific provisions set forth in Section 3.116, properties have been included because they not only can benefit, but they are or will be required to

connect to these systems to serve existing and proposed development.

Service to Existing Development

Section 8.108(4) of the City Code requires as follows:

- (4) "The owner of any house, building, or property used for human occupancy, employment, recreation or other purposes, situated within the City and abutting on any street, alley or right-of-way, in which there is now located or may in the future be located, a public sanitary or combined sewer of the City, is hereby required, at his expense to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this section of the Code, within ninety (90) days after the date of official notice to do so, provided that such public sewer for the residential use is within three hundred (300) feet of the property. Commercial and industrial buildings or structures shall connect no matter what the distance is from the public sewer to the property to be served."

Section 8.110 further provides for temporary private disposal systems and pumping facilities as follows:

- (1) "Where a public sanitary sewer or combined sewer is not available under the provisions of Section 8.108(4), the building sewer shall be connected to a private sewage system."
- (5) "At such time as a public sewer becomes available to a property served by a private sewage disposal system, as provided in Section 8.108(4), a direct connection shall be made to the public sewer in compliance with this Code, and any septic tanks, cesspools and similar private sewage disposal facilities not utilized in an approved pumping facility shall be abandoned..."
- (6) "Where existing buildings are too low to be served by gravity by an available sewer, the existing septic tank facilities shall be maintained in use and, when so ordered by the City under Section 8.108(4), approved pumping facilities shall be installed to pump the septic tank effluent to the available sanitary sewer system."
- (9) "If it is determined by the Director that a health hazard would be created or that the soil is unable to transfer the sewage runoff through the soil as an effective means of treatment of sewage disposal, the Director shall reject the septic or private sewage disposal system, and require, at the owner's expense, construction of an adequately sized sanitary sewer line as approved by the Director to connect to an existing public sanitary sewer system. The owner shall construct the sewer by those requirements of the Public Works Department of the City of Wilsonville."

With regard to the subject properties, two are effected by these provisions. They are Oregon Glass Company and Interstate Distributor.

Oregon Glass was built prior to annexation to the City. Under the provisions of the Clackamas County Code, at the time, the facility is currently served by a

sand filter system. With the extension of the propose sanitary sewer, this property would be required to connect, unless otherwise approved by the Director.

Interstate Distributor also constructed its facility under County jurisdiction, prior to annexation. However, this facility is currently served by a pump and pressure line connected to the existing trunk line located to the east of the BPA substation. Conversations with the City staff indicate that the facility will be allowed to continue on the pump system, until further development permits are issued. At such time that expansion onto the Bolf property is proposed, the City intends to require that both properties connect to the proposed new gravity system.

It is recognized that WRI is developing before the other properties to the south. However, if any or all of these other intervening properties were to have developed first, they would have been required to extend the public lines through their site to the next property. This is a general provision of the City's Public Work Standards, as set forth in Section 3, on page 100 of said document.

Therefore, the requested participation through pro rata refunds, at the time of development, under Section 3.116, is determined to be a fair and reasonable method of sharing in the costs of providing necessary urban services to industrial properties. No additional requirements or burdens are being placed on properties that do not otherwise exist in relation to development within the City. Appropriate provisions, allowances and credits have been provided to account for easements, prior improvements, and direct proportional benefit.

#### Estimated Costs.

Three alternate plans will be pursued for the storm drain improvements, as illustrated on EXHIBIT "I". Costs of that alternate (Alt. #3) estimated to be the most expensive are used in this report.

The estimated total improvement costs are as follow:

	<u>Storm Drain</u>	<u>Sanitary Sewer</u>
Construction	\$139,410.00	\$121,520.00
Special Items	17,580.00	32,630.00
Legal, Administrative & Engineering	<u>26,030.00</u>	<u>22,690.00</u>
	\$183,020.00	\$176,840.00

Special items include costs for City fees, boring logs, materials, testing, railroad crossing permits and inspection, Division of State Lands permit fees and easements.

#### Distribution of Costs (Refund).

The attached Preliminary "Refund" Map shows the preliminary distribution of costs to each benefitted property. It was determined that benefits received for both the sanitary sewer and storm drain improvements are in direct proportion to the area of land served and that the equitable method of spreading costs is on an area basis. The area of the 60 foot wide panhandle portion of the McFarland tract was not included in the area calculation for either the sanitary sewer or the storm drain cost distribution, as it serves primarily as an access road and

not an area that would be developed, other than as a street or access. The McFarland property is not served by the storm facilities and therefore no cost distribution has been made to McFarland therefore.

The attached Preliminary "refund" Distribution Roll contains a description of each benefitted parcel and name and address of recorded owners.

If there is a problem lienning the BPA property, some other procedure should be used to assure that, if the property is sold and proposes to use the improvements within the prescribed "refund" period, the appropriate refund assessment will be collected.

Construction

If this project is approved, it is recommended that the work be let to contract in the usual manner. It is estimated that construction of the project will require approximately 90 days to complete.



MARLIN J. DE HAAS, P.E., P.L.S.

- Attachments: A. Preliminary "Refund" Map Showing Distribution of Costs  
B. Preliminary "Refund" Distribution Roll, Including Description of Each Parcel and Name and Address of Recorded Owners.

cc: 91.118.600

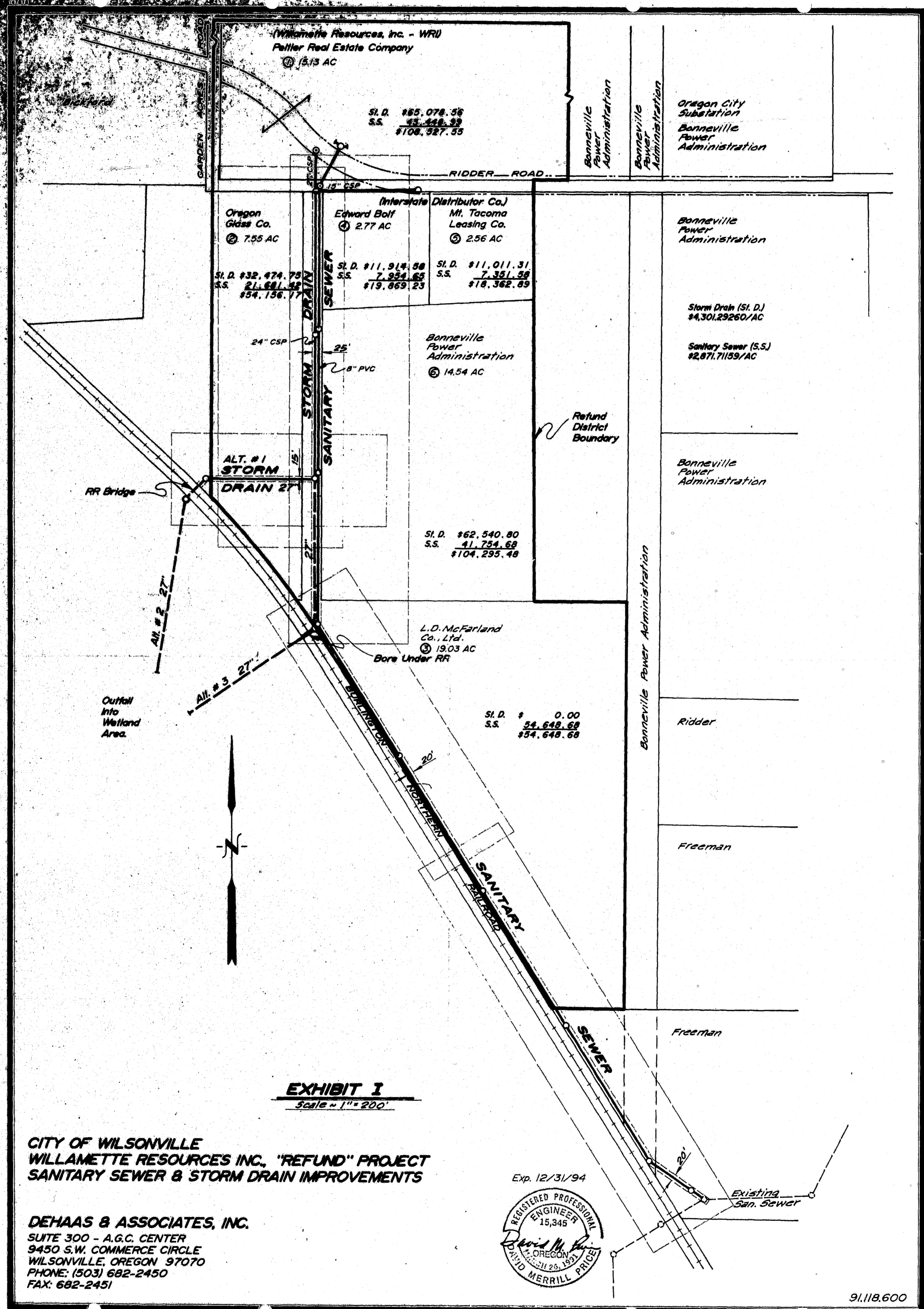
MJD/sd

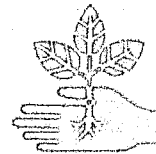
118RPT.F1

PRELIMINARY "REFUND" DISTRIBUTION ROLL

County Tax Map No. Tax Lot No.	Owner Name: Address:	Property Description for Assessment Purposes	Acres	Storm Drain Assessment	Acres	Sanitary Sewer Assessment
1. Washington County 3S-1-2C T.L. 700, 800, 801	Peltier Real Estate Co. c/o Richard Grentano 2215 N. Front St. Woodburn, OR 97071	A tract of land in Section 2 of Township 3 South, Range 1 West, Willamette Meridian, Washington County, Oregon:  Being that tract of land more particularly described in Fee Number 91-029719 and Fee Number 90-055370, Washington County Records.	15.13	\$ 65,078.56	15.13	\$43,448.99
2. Clackamas County 3-1W-11 T.L. 3001, 3003	Oregon Glass Co. 10450 SW Ridder Rd. Wilsonville, OR 97070	A tract of land in Section 11 of Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon:  Being that tract of land more particularly described in Fee Number 72-17221 and Fee Number 87-47108, Clackamas County Records.	7.55	32,474.75	7.55	21,681.42
3. Clackamas County 3-1W-11 T.L. 3002	L.D. McFarland Co. Ltd. c/o McFarland Cascade P.O. Box 1496 Tacoma, WA 98401-1496	A tract of land in Section 11 of Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon:  Being that tract of land more particularly described in Fee Number 84-18781, Clackamas County Records.	---	---	19.39	54,648.68
4. Clackamas County 3-1W-11 T.L. 2900	Edward L. Bolf P.O. Box 99307 Tacoma, WA 98499	A tract of land in Section 11 of Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon:  Being that tract of land more particularly described in Fee Number 87-17758, Clackamas County Records.	2.77	11,914.58	2.77	7,954.65
5. Clackamas County 3-1W-11 T.L. 2500, 2900	Mt. Tahoma Leasing Co. P.O. Box 4599 Tacoma, WA 98455-0999	A tract of land in Section 11 of Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon:  Being that tract of land more particularly described in Fee Number 84-44546, Clackamas County Records.	2.56	11,011.31	2.56	7,351.58
6. BPA Clackamas County 3-1W-11 T.L. 2400, 2700, 2800	Vivian Dunkle Realty Specialist Land Management Section Department of Energy BPA P.O. Box 3621 Portland, OR 97208-3621	A tract of land in Section 11 of Township 3 South, Range 1 West, Willamette Meridian, Clackamas County, Oregon:  Being that tract of land more particularly described in Fee Number 69-10051 and Fee Number 69-11598, Clackamas County Records.	14.54	62,540.80	14.54	41,754.68
<b>Totals</b>						<b>\$183,020.00</b>
						<b>\$176,840.00</b>

Resolution  
980





City of  
**WILSONVILLE**  
in OREGON

30000 SW Town Center Loop E  
Wilsonville, Oregon 97070  
FAX (503) 682-1015  
(503) 682-1011

COMMUNITY DEVELOPMENT DEPARTMENT  
MEMORANDUM

**DATE:** FEBRUARY 23, 1993

**TO:** ARLENE LOBLE  
CITY MANAGER

**FROM:** ELDON JOHANSEN *EJ*  
COMMUNITY DEVELOPMENT DIRECTOR

**RE:** RESOLUTION NO. CB-R-663-93, A RESOLUTION APPROVING THE APPLICATION FOR EXTENSION OF SEWER AND STORM SEWER LINES TO SERVE THE EAST WASHINGTON COUNTY TRANSFER AND RECOVERY FACILITY AND PROPERTY ADJACENT TO THE LINES, APPROVING APPORTIONMENT ON A PRO RATA BASIS THE COST OF EXTENSION, EXEMPTING THE CITY FROM COMPETITIVE BIDDING REQUIREMENTS AND AUTHORIZING CONCURRENCE WITH AN ENGINEERING SERVICE AGREEMENT BETWEEN DEHAAS & ASSOCIATES AND WILLAMETTE RESOURCES, INC.

Mr. Ben Altman, on behalf of Willamette Resources, Inc., submitted a request for establishment of an authorized payback for construction of storm and sanitary sewer systems related to construction of the proposed Transfer and Material Recovery Facility on Ridder Road. The City Recorder forwarded the request to Community Development for review, to determine if the extension is feasible, desirable, and necessary for the orderly development and expansion of the city's sewer and storm sewer systems. Community Development has worked with Mr. Altman and also with Mr. Marlin DeHaas, of DeHaas & Associates, to prepare the necessary information that Council will need to reach the necessary conclusions on this project.

Attached are the proposed Council Resolution and the request for establishment of the payback. A summary of the key decisions that need to be made by Council and staff comments pertaining to each decision is as follows:

1. Does the Line Extension Agreement make sense? The Line Extension Agreement is used when a developer will agree to extend a utility to this property and will be repaid by owners of property adjacent to the utility lines at the time they connect to the utility. This particular extension is for sewer and storm sewer lines to serve the East Washington County Transfer and Recovery Facility. The extension serves an existing area of the city which is presently not sewered and will allow for future development in



this area. It is staff's conclusion that the extension is feasible, desirable and necessary.

2. How should costs be apportioned? De Haas & Associates has recommended, and staff concurs with apportionment of costs based on area. For extension of public utilities, the cost can be apportioned by area, volume, front footage or a combination thereof. Since all of the properties that can be served by this extension are zoned Industrial, and since many of the properties do not have development plans that could be used to determine exactly where the sewer from the property would be connected to the sewerline, it is staff's conclusion that apportionment on a pro rata basis, based on area, is appropriate and fair.
3. Should the City allow the sewerline to be sized to allow future service to the 80 acres, which are in Garden Acres, which are currently outside of the Urban Growth Boundary, and which Willamette Resources, Inc. has, by a separate, private agreement, agreed to size the sewerline to allow the possibility of a future connection? There is no known prohibition against sizing the sewerline to allow for this future connection as long as the connection is not made until after approval of sewer service to the area by the Boundary Commission. For future planning and minimization of costs it is sound engineering to design the line to provide the required capacity. Any costs involved in providing this capacity in the sewerline should be borne by Willamette Resources, Inc. One possible future problem will be capacity in the 30-inch trunk line downstream from the connection of the line from the Transfer and Recovery Facility to the existing city system. Our present records indicate that if the industrial area develops to use the full capacity as recommended in the Wastewater Master Plan, that there may not be sufficient capacity in the trunk line for the Garden Acres development. Even if there is not capacity in the downstream trunk lines, it makes good sense to design this sewerline to provide the possible capacity for future connection. The City cannot and should not guarantee any capacity for areas outside the Urban Growth Boundary and should not be a party to this private agreement.
4. If the owners of the McFarland property do not agree to dedicate the easement for the sewerline, what should the City do? This sewerline is being constructed to provide sewer service to the Transfer and Recovery Facility by a scheduled opening date in July, of 1994. Other owners of property adjacent to the sewerline and the City have no immediate need for construction of the sewerline. As such, any additional costs that are required to obtain the easement across the McFarland property or to construct sewerlines in an alternate location should be borne by Willamette Resources, Inc.

Assuming that the City Council approves the attached resolution on March 1, 1993, DeHaas & Associates will complete the construction plans and specifications. Willamette Resources, Inc. is working with Metro to ensure that the bonds for construction of the Resource and Recovery Facility and required water, sewer, storm sewer, and streets are sold in June or July. As soon as the bonds are sold, it is anticipated that Willamette Resources, Inc. will deposit a check with the City in an amount sufficient to pay for the construction of the sewer and storm sewer lines, the public works permit, and the city engineering and administrative expenses for construction of the sewer and

Memo To: Arlene Lobbe, City Manager  
Re: Resolution No. CB-R-663-93  
February 23, 1993 - Page 3

storm sewer lines. At that time the City will use the plans and specifications that have been prepared by DeHaas & Associates, as advertised for bid. The bids will be opened and awarded or rejected by Council after conferring with the applicant to obtain his approval before awarding the contract.

ej:md

Attachments: Resolution of Request for Establishment  
Engineering Service Agreement

pc: IOC-CD  
Project file