

ORDINANCE NO. 68

AN ORDINANCE RELATING TO THE EXTENSIONS OF WATER AND SEWER LINES; PROVIDING FOR THE REFUNDING OF COSTS; REPEALING ORDINANCE NO. 25; AND DECLARING AN EMERGENCY.

THE CITY OF WILSONVILLE ORDAINS AS FOLLOWS:

Section 1: If any person, firm or corporation agrees to pay the costs of extending a water or sewer main or lateral line to serve his or its property and the extension of such line would be adjacent to property other than his or its own so that water or sewer service for either commercial, industrial or domestic use is provided, for such other property without further extension of the lines, the City of Wilsonville shall require the owners of the other property prior to providing water or sewer service to such other property to refund to the person, firm or corporation required to pay the costs of extending the water or sewer lines a prorata portion of the costs of the extension. The right of the City to require such refund shall not continue for more than ten (10) years after the date of installation of the extension of the water or sewer line. The amount to be refunded shall be determined by the Wilsonville City Council, and such determination shall be final. The City shall compute the prorata portion to be refunded upon a front foot basis of properties benefited by the extension, including the property of the person, firm or corporation who agrees to extend said line. The total reimbursable costs are to be spread equally over the total front footage of the benefited properties. In cases where the determination of reimbursable costs upon a front foot basis is inequitable or inappropriate by reason of the size, location or condition of the properties involved, the City may fix and determine the basis of reimbursement other than on a front foot basis. The costs to be reimbursed to the person, firm or corporation extending said line shall be limited to the actual costs of construction plus the cost of permits, engineering and legal expenses. In no event shall the items of expense for permits, engineering and legal exceed 25% of the actual cost of construction. The City shall add to the items of cost an amount equal

to 5% of the total cost of construction, including permits, engineering and legal expense, which percentage shall be computed annually on the anniversary date of the project on the then unreimbursed balance of the cost of construction, which percentage shall be an appropriate return on investment to the person, firm or corporation making said extension. The City shall retain an amount equal to 10% of the total reimbursable cost for the cost of administration of the project by the City, which 10% shall be deducted from prorata payments by applicants for service as such prorata payments are made.

Section 2: Any person, firm or corporation who undertakes to pay the costs of extending a water or sewer service line which when extended will be adjacent to property other than his or its own shall first file with the Wilsonville City Recorder an application to construct the required lines, which application shall include the name and address of the applicant and a description and map outlining the improvement area showing the adjacent properties which can be served from the extension of such line. The date of this filing with the City Recorder shall constitute the commencement date of the project and thereby determine the anniversary date for the computations which are required to be made according to the foregoing Section 1. The City Recorder shall make a copy of the description and map which outlines the improvement area and deliver the same to the City's Engineer, 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 and water distribution systems. 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, firm or corporation who filed the Application and return the description and map to be revised or corrected. When the area to be served is found to be feasible and desirable for the

orderly development and expansion of the City's sewer or water systems, the City's Engineer shall prepare or cause to be prepared all necessary plans and specifications for the proposed project.

Section 3: Upon approval by the Wilsonville City Council of the Application for the extension of a water or sewer line and after preparation of the plans and specifications for the work project, the applicant shall (1) pay the City Recorder the total estimated costs of the project, including legal, permits, engineering, supervision and the City's administrative costs, plus 10% of the total of the foregoing items for contingencies; or (2) file an Agreement with the City which shall first be approved by the City Attorney, that the applicant shall assume and agree to pay all costs of the project, including legal, permits, engineering, supervision and the City's administrative costs. Said Agreement shall be accompanied by a bond or undertaking in favor of the City with sufficient sureties to be approved by the City Council and in an amount reasonably necessary to assure proper and final completion of the project by the said applicant, payment of all costs of the project and indemnifying the City against all claims arising therefrom.

Section 4: After payment to the City of the total estimated costs of the project as provided in Section 3 (1) or upon filing and approval of an Agreement and indemnifying bond as provided in Section 3 (2), the City Recorder shall advertise in a local paper 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 Wilsonville 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 bidders are rejected, the City Council may direct the work to be

completed by either 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 or its approval before awarding the contract or before the work by City work force.

Section 5: If prior to the commencement of construction, an applicant withdraws his Application or notifies the City of his or its desire to abandon the project, he or it shall pay to the City in full its actual costs incurred to that time and including, though not exclusively, all legal, administrative and engineering costs. If an applicant elects to prepay the total costs of a sewer or water line extension project as provided in the foregoing Section 3 (1), upon full and final completion of the project and acceptance thereof by the City Council, the applicant shall be refunded without interest any prepaid and unused costs of the project.

Section 6: Any water or sewer line extension project which is to be constructed under the provisions of this Ordinance shall be done under the supervision and direction of the City's Engineer or an engineer employed by the City to supervise such project and in accordance with existing Ordinances of the City relating to such matters; and the successful bidder for any such work contract shall furnish to the City a full performance, payment and street restoration bond issued by a corporate surety in an amount and form as may be approved by the City Council.

Section 7: Ordinance No. 25 enacted June 28, 1971, and all other Ordinances, or parts of Ordinances, in conflict herewith are hereby repealed.

Section 8: Inasmuch as this Ordinance is necessary for the preservation of the public health, peace and safety of the City of Wilsonville, Oregon, and the inhabitants thereof, an emergency is hereby declared to exist, and this Ordinance shall take effect immediately upon its final passage by the City Council and approval by the Mayor.

Passed on first reading at a _____ meeting of the
Wilsonville City Council this ____ day of _____, 1976;
ordered posted in three (3) public and conspicuous places in the
City of Wilsonville for a period of five (5) consecutive days as
required by the Wilsonville City Charter, and to come up for final
reading and action of the Wilsonville City Council at a _____
meeting thereof to be held on the ____ day of _____, 1976,
at the hour of 7:30 o'clock p.m. at the Council's regular meeting
place in the Wilsonville Grade School.

PHILLIP R. BALSIGER - Mayor

ATTEST:

DEANNA J. THOM - City Recorder

Passed on final reading of the Wilsonville City Council
at a _____ meeting thereof held on the _____ day of _____,
1976, by the following vote: Yeas _____. Nays _____.

PHILLIP R. BALSIGER - Mayor

ATTEST:

DEANNA J. THOM - City Recorder