

RESOLUTION NO. 1221

A RESOLUTION OF THE CITY OF WILSONVILLE, OREGON, APPROVING THE STREET AND WATER SYSTEMS DEVELOPMENT CHARGE CREDITS AND ADDITIONAL PAYMENTS TO PACIFIC LAND MANAGEMENT FROM STREET SYSTEMS DEVELOPMENT CHARGE FUNDS FOR RECONSTRUCTION AND RELOCATION OF WILSONVILLE ROAD.

WHEREAS, Pacific Land Management has been conditioned to reconstruct and realign Wilsonville Road from Meadows Loop to Boeckman Road; and

WHEREAS, time is of the essence in completing required public improvements given the opening of the new high school and the correction of a potentially dangerous intersection by realignment of Wilsonville Road; and

WHEREAS, Pacific Land Management has been conditioned to construct a waterline from the vicinity of Meadows Loop to Boeckman Road on the Wilsonville Road alignment; and

WHEREAS, the street systems development charges for the Landover subdivision total \$236,652 based on 111 dwelling units at \$2,132 per unit; and

WHEREAS, the water systems development charges for the Landover subdivision total \$145,632 based on 111 dwelling units at \$1,312 per unit; and

WHEREAS, Article IX, CREDITS, Section 2, of Ordinance No. 386, allows credits against systems development charges under the following condition:

“Section 2. An applicant for a building permit is eligible for credit against the SDC for constructing a qualified capital improvement. A qualified public improvement means one that meets all of the following criteria:

A. Required as a condition of development approval by the Planning Commission or City Council; and

B. Identified in an Adopted Capital Improvement Plan; and

C. Not located within or contiguous to the property or parcel that is subject to development approval, except to the extent that the capital improvement(s) represent(s) a measurable provision for extra service capacity beyond the actual public facility requirements of the property or parcel approved for development.

Applying the adopted methodology, the City Manager may grant a credit against the public improvement charge for a capital improvement provided as part of the development that reduces the development's demand upon existing capital improvements or the need for further capital improvements or that would otherwise have to be constructed at City expense under the then-existing Council policies.”; and

WHEREAS, the construction of the street improvements from Meadows Loop to the south edge of the Landover subdivision meets this criteria; and

WHEREAS, the cost of construction of an equivalent road along the current Wilsonville Road alignment in the Landover subdivision has been subtracted from the cost of the construction of the realigned Wilsonville Road to determine the measurable provision for extra service capacity beyond the actual public facility requirements of the property or parcel approved for development; and

WHEREAS, the oversizing of the waterline through the Landover subdivision meets the requirements for credits against the water SDCs; and

WHEREAS, Article IX CREDITS, Section 3, of Ordinance No. 386 does allow the City to provide a share of the cost of such improvements by other means under the following conditions:

“Section 3. The credit provided for by this Article shall be only for SDC charged for the type of improvement being constructed and shall not exceed such SDC even if the cost of the capital improvement exceeds the SDC. However, this section shall not prohibit the City from providing a greater credit or from providing a share of the cost of such improvement by other means, if the City so chooses.”; and

WHEREAS, the cost of the street improvements that would be creditable against the street SDCs will exceed the total of street SDC payments from the Landover subdivision by an estimated \$205,442; and

WHEREAS, the City currently has sufficient funds in street SDCs to pay this amount directly to Pacific Land Management or to the contractor; and

WHEREAS, the City can supplement the budget later in this fiscal year to budget for this expenditure; and

WHEREAS, Pacific Land Management has used competitive bidding to select the construction contractor; and

WHEREAS, the actual construction cost will not be known until after construction is completed; and

WHEREAS, the realignment of Wilsonville Road will cut through the Landover subdivision. A contribution of right-of-way for the realignment roadway, without compensation, together with paying the cost of an equivalent half street improvement involving sidewalk, curbs, 24 feet of pavement and a storm drainage system along the original alignment has been agreed to by the developer and property owners as a public improvement whose exaction is roughly proportionate to the impacts of the development to

the benefits received. Moreover, the developer and property owner agree that the street system development fee is appropriate and is roughly proportionate to the impact of the development to the overall road system and the benefit received by the development from the overall road system. However, to the extent there are costs beyond the SDC, which are indicated and which are presently estimated to be \$236,652 , these costs are attributable to providing excess or extra capacity and general public benefit, which are appropriately paid for from the SDC street fund by the City; and

WHEREAS, the construction of a twelve-inch waterline through the Landover subdivision is required as a condition of development. A contribution of the cost of an eight-inch waterline through the Landover subdivision has been agreed to by the developer as a public improvement whose roughly proportionate to the impacts of the development to the benefits received. Moreover, the developer and property owner agree that an estimated credit of \$16,095 against the water systems development charge is appropriate and is roughly proportionate to the impact of the development to the overall water system and the benefit received by the development from the overall water system; and

WHEREAS, Pacific Land Management desires to know that the City will pay for the cost of the improvements that exceed the credits available from systems development charges.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF WILSONVILLE, OREGON, THAT:

1. The City Council adopts above recitals as findings and incorporates them by reference in support of this resolution.
2. The City Council approves a credit against the street systems development charges for the Landover subdivision in an amount currently estimated at the lesser of \$236,652 or the cost of street construction above the cost of a half street improvement of 24 feet of pavement with adjacent curb, gutter and sidewalks and a storm drainage system, with the amount subject to adjustment by staff to actual costs following project completion.

3. The City Council approves payment to Pacific Land Management or the contractor in the amount of \$205,442 for Wilsonville Road street improvements, with the final amount adjusted by staff to reflect actual costs.

4. The City Council hereby approves a credit against the water systems development charges for the Landover subdivision in the amount of \$16,095 for the waterline from the south edge of the Landover subdivision to the vicinity of Meadows Loop on Wilsonville Road, with the actual amount subject to adjustment by staff to actual costs following project completion.

5. The invalidity of any section, clause or provision of this resolution shall not affect the validity of any other part or section of this resolution which can be given effect without such invalid part(s).

ADOPTED, by the City Council of the City of Wilsonville at a regular meeting thereof on the 18th day of September, 1995, and filed with the City Recorder this date.


GERALD A. KRUMMEL, Mayor

ATTEST:


Sandra C. King, City Recorder

SUMMARY of Votes:

Mayor Krummel	<u>Yes</u>
Councilor Lehan	<u>Yes</u>
Councilor Hawkins	<u>Absent</u>
Councilor Leahy	<u>Yes</u>
Councilor Leo	<u>Yes</u>