

W. 3. C. 1.

Memorandum Date: August 20, 2008
Order Date: August 27, 2008

TO: Board of County Commissioners
DEPARTMENT: Public Works
PRESENTED BY: Frank Simas, Right of Way Manager
AGENDA ITEM TITLE: IN THE MATTER OF CONSTRUCTING A REPLACEMENT OF THE WEST FORK COYOTE CREEK BRIDGE ON BIGGS ROAD (A LOCAL ACCESS ROAD)

I. MOTION

Move approval of the Order.

II. AGENDA ITEM SUMMARY

The Design Recommendation for the replacement of the West Fork Coyote Creek Bridge on Biggs Road was approved by the Board on July 23, 2008. Pursuant to Order 08-7-23-4, the Director of Public Works was directed to investigate the proposed improvements and present a report to the Board containing the estimated costs as specified in ORS 371.625.

The Board has accepted the Director's Report on the replacement of said bridge by Order 08-7-30-5, on July 30, 2008, and the specially benefiting property owners in accordance with ORS 371.630 have been notified of the estimated assessments against their properties.

III. BACKGROUND/IMPLICATIONS OF ACTION

A. Board Action and Other History

Lane Code 15.636(3) provides that when the Board determines the public interest requires improvement to bridges on Local Access Roads, the direct cost shall be assessed to the specially benefiting owners on a uniform basis as determined by the Board. Pursuant to Order 08-7-30-5 the Board indicated a willingness to share in the cost of the replacement bridge on a 50% - 50% basis, with the balance of the project costs to be shared equally among the five specially benefiting properties.

B. Policy Issues

The Board has found by Order 08-7-30-5 that the public use of Biggs Road by local residents, delivery vehicles and emergency service providers justified the proposed expenditure out of the Road Fund which further designated the bridge replacement as a single project and not as a continuing program.

C. Board Goals

This project is related to the County Goal of "Protection of the public's assets by maintaining, replacing or upgrading the County's investments in systems and capital infrastructure."

D. Financial and/or Resource Considerations

Pursuant to ORS 371.635, the Board may direct the subject improvements be made and that specially benefiting properties be subject to a lien in an amount to be determined later by the Board. The approval of such an Order is necessary in order to proceed with the project and to assess the adjacent owners for 50% of total project costs.

E. Analysis

The required 20-day remonstrance period has elapsed, and the director of Public Works has not received any written objections, and therefore the Order may be approved. ORS 371.630 specifies that written objections from 50 percent of the owners of land representing more than 50 percent of the total amount of the assessment for the proposed improvements would be required in order for the project to be declared abandoned.

F. Alternatives/Options

1. Approve the Order.
2. Deny approval of the Order, waive assessments and move forward with the project.

IV. TIMING/IMPLEMENTATION

Upon approval, staff will request that the County Clerk enter the Notice of Pending Liens into the County Lien Docket.

V. RECOMMENDATION

Approve the Order.

VI. FOLLOW-UP

Upon completion of the improvements and determination of the Final Assessment amounts, staff will return requesting that a hearing be set for the purpose of hearing objections to the Final Assessment amounts.

VII. ATTACHMENTS

Exhibit A – Estimated property Assessment Summary Sheet and Schedule

IN THE BOARD OF COUNTY COMMISSIONERS
OF LANE COUNTY, OREGON

ORDER NO.

(IN THE MATTER OF CONSTRUCTING A
(REPLACEMENT OF THE WEST FORK
(COYOTE CREEK BRIDGE ON BIGGS ROAD
((A LOCAL ACCESS ROAD)

WHEREAS, The Design Recommendation for the replacement of the West Fork Coyote Creek bridge on Biggs Road (a Local Access Road) was approved by the Board on July 23, 2008 by Order 08-7-23-4; and

WHEREAS, the Board resolved that County would share in the cost of the replacement bridge with the specially benefiting property owners on a 50% - 50% basis with 50% of the project cost to be paid by the benefiting property owners and ordered that the Director of the Public Works Department investigate the proposed improvements and present a report containing the estimated cost of said improvements to the Board as specified in ORS 371.625; and

WHEREAS, the Board has accepted the Director's Report for the replacement of the West Fork Coyote Creek Bridge on Biggs Road by Order No. 08-7-30-5; and in accordance with ORS 371.630, Lane County has notified adjacent property owners of the estimated assessments against their properties and has not received any objections; **NOW THEREFORE**,


IT IS ORDERED that the replacement of the West Fork Coyote Creek Bridge on Biggs Road (a Local Access Road), be constructed and improved through the use of County forces, and that adjacent properties, as shown in the attached Exhibit "A", for which an estimated assessment has been shown, be subject to a lien of an assessment for the cost of the improvements in an amount to be determined later by the Board. This Order shall be recorded and filed with the County Clerk and entered into the appropriate County Lien Docket.

DATED this _____ day of _____, 2008.

Chair,
Board of County Commissioners

APPROVED AS TO FORM

Date 8-7-08 lane county



OFFICE OF LEGAL COUNSEL

RW Parcel #	Name	Address	Recorder's			TL	Estimated Assessment
			Reception #	TRS			
8043-01	Fogus, Lynn M. and Lynn C.	87545 Biggs Road Veneta, OR 97487	RR 1989/50174	18-05-05-00	610	\$15,000.00	
8043-02	McGowan, Kenneth E. and Sharon Luann	87538 Biggs Road Veneta, OR 97487	RR 1996/9318	18-05-05-00	507	\$15,000.00	
8043-03	Engholm, David and Tracy	87520 Biggs Road Veneta, OR 97487	RR 1999/79057	18-05-05-00	1200	\$15,000.00	
8043-04	Landstra, Norman H. and Beverly Jean	P.O. Box 905 Veneta, OR 97487	RR 1995/8302	18-05-05-00	1102	\$15,000.00	
8043-05	Merchen, Debra L.	87417 Biggs Road Veneta, OR 97487	RR 2001/6605	18-05-05-00	1104	\$15,000.00	