

## RESOLUTION 2021-9

### A RESOLUTION AMENDING THE TRELSTAD REIMBURSEMENT DISTRICT ORIGINALLY ADOPTED UNDER RESOLUTION NO. 2016-12

**Whereas**, City Council adopted Trelstad Reimbursement District under Resolution No. 2016-12 on March 14, 2016; and

**Whereas**, the Reimbursement Fee for the Trelstad Reimbursement District was based on estimated costs of construction for street improvements located at the intersection of 36<sup>th</sup> Avenue SE and Trelstad Avenue SE (“Trelstad Improvements”); and

**Whereas**, the Public Works Director has certified the actual costs of the Trelstad Improvements after completion of the construction project; and

**Whereas**, the estimated costs of Trelstad Improvements were \$620,696, where the actual costs of Trelstad Improvements were \$352,754; and

**Whereas**, under SRC 41.100(h), the Trelstad Improvements are a qualified public improvement, and the developer is eligible for reimbursement from system development charges in the amount of \$67,023.

**Whereas**, the Trelstad Reimbursement District was formed to collect the unreimbursed costs for construction of the Trelstad Improvements, now totaling \$285,731 based on actual costs.

**Whereas**, the change from estimated to actual costs for Trelstad Improvements warrants a reduction in the Reimbursement Fee to ensure fair and proportional reimbursement among properties within the Trelstad Reimbursement District;

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

**Section 1. Reimbursement District Amendment.** This resolution amends and supersedes Resolution 2016-12 (Exhibit A). The Trelstad Reimbursement District (Reimbursement District) boundary is unchanged from the original district boundary as shown on “Exhibit 2” and “Exhibit 3” of Resolution 2016-12.

**Section 2. Reimbursement Fee Methodology.** The amended total unreimbursed cost for the Improvements is \$285,731. The methodology to establish the Reimbursement Fee estimates a total of 9,352 average daily vehicle trips within the Reimbursement District boundary anticipated within twenty years. To determine the amended cost per vehicle trip, the amended total unreimbursed cost is divided by the estimated number of average daily vehicle trips, which results in an amended Reimbursement Fee of \$30.55 per vehicle trip. This represents a reduction of \$23.21 per vehicle trip.

The Developer’s amended apportionment of cost for Developer’s property is \$42,128 based on 1,379 vehicle trips at \$30.55 per trip. This leaves an amended reimbursable cost of \$243,603, which is a reasonable and fair apportionment of the amended total construction cost for all properties that comprise the Reimbursement District.

Persons paying the Reimbursement Fee are not eligible to be reimbursed for the payment of the Reimbursement Fee from SDCs collected from within Reimbursement District because the Developer is being fully reimbursed from SDCs for the portion of the certified costs eligible for SDC funding.

**Section 3. Administration Cost.** The reasonable costs to adequately reimburse the City for administration of the Reimbursement District are 1 percent of the total Reimbursement Fee of \$243,603. One percent of each reimbursement fee payment shall be collected by the City for an administration fee. The remaining balance of the Reimbursement fee (ninety-nine percent of what is collected) will be reimbursed to the Developer.

**Section 4. Payment of Reimbursement Fee Precondition of Permits.** Payment of the Reimbursement Fee, as designated for all real property located in the Reimbursement District, is a precondition of receiving any City permits applicable to development on such real property. Developers having already paid Reimbursement Fees under Resolution No. 2016-12 shall be reimbursed the difference between the original Reimbursement Fee and the amended Reimbursement Fee. Notwithstanding the foregoing, the Reimbursement Fee shall not apply to a development that receives no benefit from the Trelstad Improvements.

**Section 5. Recording the Resolution.** The City Recorder shall record this resolution with the Clerk of Marion County.

**Section 6. Appeal of Formation of Reimbursement District.** No legal action intended to contest the formation of the Reimbursement District or the Reimbursement Fee, including the amount of the charge designated for each parcel, shall be filed after sixty days following the adoption of this resolution. Any challenge or appeal to the formation of the Reimbursement District shall be solely by writ of review pursuant to ORS 34.010-ORS 34.102, and not otherwise.

**Section 7. Reimbursement Fee Not a Tax or a Lien.** Formation of the Reimbursement District shall not result in an assessment upon or lien against real property and Reimbursement Fees collected by the City on behalf of a Developer are not taxes subject to the property tax limitations of Article XI, section 11(b) of the Oregon Constitution.

**Section 8. Effective Date.** This Resolution is effective upon adoption, and the date of formation of the Reimbursement District shall be the effective date of this Resolution.

ADOPTED by the City Council this 22<sup>nd</sup> day of March, 2021

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

Checked by: G. Davis