

CITY OF LYNDEN

EXECUTIVE SUMMARY



Meeting Date:	1/22/2019	Legal Review:
Department:	Public Works	<input checked="" type="checkbox"/> Yes - Reviewed
Contact Name/Phone:	Steve Banham / 255-5512	<input type="checkbox"/> No - Not Reviewed
Council Committee Review:		<input type="checkbox"/> Review Not Required
<input type="checkbox"/> Community Development		
<input type="checkbox"/> Finance		
<input type="checkbox"/> Parks		
<input type="checkbox"/> Public Safety		
<input checked="" type="checkbox"/> Public Works		
<input type="checkbox"/> Other: _____		
Attachments:		
Latecomers Application (Including Cost Summary), Assessment Roll and Assessment Area Map, Preliminary Determination Notice		
Name of Agenda Item:		
Set Public Hearing Date for North Prairie Phase 7 Sanitary Sewer Extension Latecomer's Application		
Summary Statement:		
<p>Developer Bob Libolt submitted a complete Latecomer's application for North Prairie Phase 7 Sanitary Sewer Extension he constructed with this development on December 13, 2018. The 34 benefiting property owners were notified about the proposed assessment on December 26, 2018. The assessment would only occur if the benefiting properties develop within twenty (20) years from the date a latecomer's agreement is recorded.</p> <p>Several property owners have requested a public hearing regarding this proposed assessment.</p> <p>City Council is being asked to set a Public Hearing Date of February 4th, 2019 to hear comments; then may approve, reject or modify the preliminary Assessment Reimbursement Area and assessment for any or all properties within the assessment area; or remand the matter back to the Public Works Director for further review.</p>		
Recommended Action:		
That City Council set a Public Hearing Date of February 4th, 2019 to hear comments on the North Prairie Phase 7 Sanitary Sewer Extension Latecomer's Application.		

Latecomer Application

- a) Legal Description of the Developer's property:
- b) Vicinity maps of Developer's property.
- c) A map showing the proposed Assessment Reimbursement Area and general location of the Street System Improvements and/or Utility System Improvements.
- d) Legal Description of the properties within the proposed Assessment Reimbursement Area
- e) Names and addresses of the owners of each property, as shown in the records of the Assessor's Office of Whatcom County.

C. Costs of Construction (Direct and Indirect):

See Attached Engineer's Certified Costs

Total Costs of Construction (Direct and Indirect):

707,886⁰⁰
City Fees 12,100⁰⁰
\$ 719,986⁰⁰

D. Construction Administrative Costs:

\$ 14,400⁰⁰

i.e. office supplies, mailings, clerical services, telephone expenses, accounting expenses, project oversight, etc. Costs shall not exceed 3% of total construction costs.

E. Total Project Construction Costs

Type of Construction	Cost
Water Mains	
Fire Hydrants	
Sewer Mains	734,386
Streets	
Street Lighting	
Storm Drainage	
Sidewalks	
Storm Water Facilities	
Total Project Construction Costs	734,386⁰⁰

Paid by City

734,386⁰⁰
126,660⁰⁰
607,726⁰⁰

REDUCTION in
TRAFFIC IMPACT
FEES (PEAK
REMOVAL)

F. Proposed Allocation of Cost of Construction to Individual Properties:

Method of Assessment Used:

- ☐ Number of Owner-Benefitted Units/Lots (Existing or Allowed by Zoning Code)
☐ Front footage
☐ Square footage
☐ Zone and termini
☒ Other: per acre

Method Used	Cost per _____	Cost per Property Owner	Total Cost
ACRES	3,957.32	SEE ASSESSMENT ROLL	607,726 ⁰⁰

RECEIVED
DEC 12 2018
Public Works Dept.

G. City Administrative Fees**

System Improvements	Sub-total	Paid Upon Application
Base Fee for Utilities: \$300.00	300 ⁰⁰	✓
Base Fee for Streets: \$450.00		✓
1% of Cost of Construction (C)	6,077 ⁰⁰	✓
No. of parcels in the proposed assessment reimbursement area 40 x \$150.00 →	6,000 ⁰⁰	✓
Total City Administrative Fees [F]	12,377 ⁰⁰	✓

** to be included with application.

H. Segregation Fees

System Improvements	Sub-total	Paid Upon Application
No. of segregated parcels in the proposed/existing assessment reimbursement area → _____ x \$150.00	N/A	
Total Segregation Fees to City		



Freeland and Associates, Inc.

220 West Champion Street
Suite 200
Bellingham, Washington
(360) 650-1408

December 11, 2018

City of Lynden
Public Works Department
300 4th Street
Lynden, WA 98264

Attention: Mark Sandal

Subject: South Kamm Sewer Cost Estimate for Latecomer Application

Dear Mark,

We have reviewed the design and installation costs provided by the developer and their contractor for public improvements in the South Kamm Sewer project serving North Prairie Phase 7. These costs appear to be in line with typical design and construction costs for this type and scope of work. A copy of the estimate from the developer's contractor is attached with this letter for reference.

Please feel free to contact me if you have any questions about this.

Sincerely,
Freeland and Associates, Inc.



Michael Bratt, PE
Associate Engineer

Attached: Sewer Installation Cost

Lower Kamm Road Sewer Extension

Engineers Cost Summary

ITEM NO.	ITEM DESCRIPTION	UNIT	QUANTITY	UNIT COST	TOTAL COST
Preparation					
1.	Mobilization	L.S.	1	\$20,000.00	\$20,000.00
2.	Clearing and Grubbing	L.S.	1	\$15,000.00	\$15,000.00
Sanitary Sewer					
1.	PVC Sanitary Sewer Pipe, 8 In. Diameter	L.F.	42	\$45.00	\$1,890.00
2.	PVC Sanitary Sewer Pipe, 12 In. Diameter	L.F.	3,871	\$59.00	\$228,389.00
3.	Testing Sewer Pipe	L.F.	3,913	\$1.50	\$5,869.50
4.	Sanitary Sewer Manhole	Each	13	\$2,500.00	\$32,500.00
5.	Grave Backfill	Ton	2,400	\$12.00	\$28,800.00
6.	Gravel Backfill for Pipe Bedding	Ton	1,165	\$14.00	\$16,310.00
Surfacing					
1.	Gravel Base, 12"	Ton	11,263	\$12.00	\$135,156.00
2.	Crushed Surfacing Top Course, 3"	Ton	695	\$19.50	\$13,552.50
3.	Access Roads	Ton	1,660	\$15.00	\$24,900.00
Hot Mix Asphalt					
1.	Asphalt Concrete Pavement, CL B, 3 1/2"	Ton	875	\$95.00	\$83,125.00
Traffic					
1.	Traffic Control	L.S.	1	\$6,800.00	\$6,800.00
2.	Permanent Signing	L.S.	1	\$1,500.00	\$1,500.00
Other Items					
1.	Performance Bond	L.S.	1	\$3,350.00	\$3,350.00
2.	Mitigation Planting	L.S.	1	\$3,200.00	\$3,200.00
3.	Boring & Casings	Each	2	\$17,200.00	\$34,400.00
4.	Culverts	L.S.	1	\$11,525.00	\$11,525.00
5.	Engineering	L.S.	1	\$25,000.00	\$25,000.00
6.	Survey	L.S.	1	\$4,000.00	\$4,000.00
7.	JARPA Consultants	L.S.	1	\$12,619.00	\$12,619.00
				TOTAL	\$707,886.00

Lower Kamm Sewer Extension

Benefitted Property
Assessment Role

Parcel #	Tax ID No.	Owner	Address	Parcel Size (acres)	Assessment per Parcel
1	400315 270512	Layne & Lori LLC	1501 Badger Road	0.84	\$3,324.15
2	400315 283507	Whatcom County Fire District NO 21	4142 Britton Loop	1.30	\$5,144.52
3	400315 313508	Badger Storage LLC	582 Pangborn Road	2.39	\$9,458.00
4	400315 343502	Greg Collett	2909 260th Street	2.01	\$7,954.22
5	400315 361493	Greg Collett	2909 260th Street	2.42	\$9,576.72
6	400315 382494	Tim & Christina Bento, Loretta Davidson	1583 E Badger Road	4.13	\$16,343.74
7	400315 280485	American Reformed Church	PO Box 455	0.91	\$3,601.16
8	400315 280469	American Reformed Church	PO Box 455	1.13	\$4,471.77
9	400315 323471	Cornerstone School Society	8872 Northwood Road	4.65	\$18,401.55
10	400315 278455	Derek & Louise Willis	8848 Northwood Road	1.00	\$3,957.32
1	400315 311430	Cornerstone School Society	8872 Northwood Road	3.91	\$15,473.13
12	400315 370443	North Prairie LLC	125 Rosemary Way	3.98	\$15,750.14
13	400315 301409	North Prairie LLC	125 Rosemary Way	5.52	\$21,844.42
14	400315 361401	North Prairie LLC	125 Rosemary Way	13.24	\$52,394.95
15	400315 287388	Jason & Danielle Groeneweg	8803 Northwood Road	1.45	\$5,738.12
16	400315 272386	Randal & Nancy Troupe	8794 Northwood Road	0.38	\$1,503.78
17	400315 275353	Indian Joe Cemetery	PO Box 157	1.00	\$3,957.32
18	400315 333313	Leroy Lagerwey	8744 Northwood Road	27.84	\$110,171.86
19	400315 225347	Harriot Wagter	8747 Northwood Road	12.00	\$47,487.87
20	400315 181276	Arnold & Gretchen Van Dyken	1436 Kamm Road	0.64	\$2,532.69
21	400315 215325	Robert Wagter	8747 Northwood Road #B	0.52	\$2,057.81
22	400315 216312	Mark & Ginger Jones	1462 Kamm Road	0.87	\$3,442.87
23	400315 228277	Thomas & Katie VanWingerden	1472 Kamm Road	0.46	\$1,820.37
24	400315 095199	Howard Koeltje Trust	4335 Sucia Drive	19.60	\$77,563.52
25	400315 140253	Virginia Bosman	1403 Kamm Road	0.52	\$2,057.81
26	400315 145224	Gary & Kalise Hastings	808 South Park Court	2.19	\$8,666.54
27	400315 160231	Theodore & Suzanne Linde	1421 Kamm Road	2.09	\$8,270.80
28	400315 185225	Joel & Amy Schouten	1429 Kamm Road	4.88	\$19,311.73
29	400315 195249	Meadowdale Water Assoc	6951 Hannegan Road Suite 3	0.18	\$712.32
30	400315 206250	Shawn & Jannette Van Dyken	1455 Kamm Road	1.19	\$4,709.21
31	400315 235231	Theunis & Silvia Van Berkum	1465 Kamm Road	8.00	\$31,658.58
32	400315 183163	James & Bertha Bosman Trust	1503 Liberty Street	14.64	\$57,935.20
33	400315 248165	James & Bertha Bosman Trust	1503 Liberty Street	4.69	\$18,559.84
34	400315 158281	Rachele & William Gorsuch	1420 Kamm Road	0.63	\$2,493.11
35	400315 166281	Jack & Wilva Foster	1434 Kamm Road	0.67	\$2,651.41
36	400315 124228	James & Deborah Smythe	1389 Kamm Road	0.34	\$1,345.49
37	400315 125241	Arthur & Christina Hunter	1393 Kamm Road	0.34	\$1,345.49
38	400315 125254	Coleen & Stacy Hill	1387 Kamm Road	0.34	\$1,345.49
39	400315 110253	Robert & Susan Fiebig	1383 Kamm Road	0.34	\$1,345.49
40	400315 100257	Richard & Julie Wester	1375 Kamm Road	0.34	\$1,345.49
TOTAL				153.57	\$607,726.00
					\$3,957.32

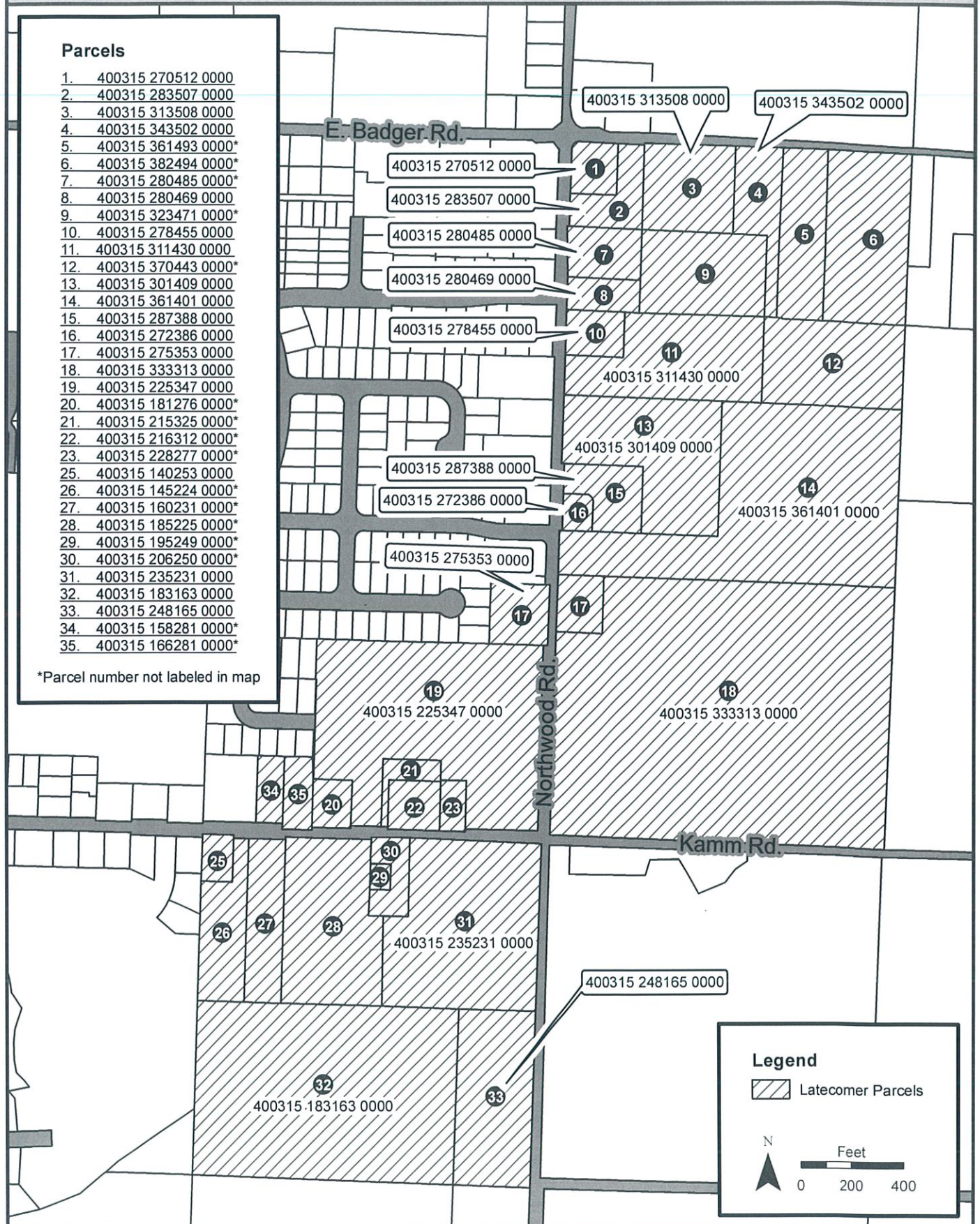
Exhibit Map

Latecomer Agreement Area

Parcels

1. 400315 270512 0000
2. 400315 283507 0000
3. 400315 313508 0000
4. 400315 343502 0000
5. 400315 361493 0000*
6. 400315 382494 0000*
7. 400315 280485 0000*
8. 400315 280469 0000
9. 400315 323471 0000*
10. 400315 278455 0000
11. 400315 311430 0000
12. 400315 370443 0000*
13. 400315 301409 0000
14. 400315 361401 0000
15. 400315 287388 0000
16. 400315 272386 0000
17. 400315 275353 0000
18. 400315 333313 0000
19. 400315 225347 0000
20. 400315 181276 0000*
21. 400315 215325 0000*
22. 400315 216312 0000*
23. 400315 228277 0000*
25. 400315 140253 0000
26. 400315 145224 0000*
27. 400315 160231 0000*
28. 400315 185225 0000*
29. 400315 195249 0000*
30. 400315 206250 0000*
31. 400315 235231 0000
32. 400315 183163 0000
33. 400315 248165 0000*
34. 400315 158281 0000*
35. 400315 166281 0000*

*Parcel number not labeled in map



Legend

Latecomer Parcels

N
Feet
0 200 400

CITY OF LYNDEN

PUBLIC WORKS DEPARTMENT

Steve Banham, Public Works Director
(360) 354-3446



December 21, 2018

North Prairie LLC
Bob Libolt
125 Rosemary Way
Lynden, WA 98264

RE: **PRELIMINARY DETERMINATION NOTICE** – North Prairie Phase 7 Sanitary Sewer Extension Latecomer's Application

Dear Bob,

I have reviewed the Latecomer Application you submitted for reimbursement of costs for sanitary sewer extension associated with construction of North Prairie Plat Phase 7. Your application with all the required attachments was complete on December 13, 2018. Based on our review, and as required by Lynden Municipal Code 13.28.050, I am making the following determinations related to the factors listed in that section on the Code:

- A. Your application initially identified forty (40) potentially benefitting properties, but after discussion eliminated six (6) that are already covered by the Line Road Sewer Sub basin assessment area. It is uncertain whether all the benefitting properties will develop within twenty (20) years from the date of recording of the latecomer agreement. State law now requires that you or your assigns must be reimbursed for twenty (20) years. The City of Lynden Municipal Code Chapter 13.28 is being amended to reflect this change in the law. If you understand the uncertainty of the timing of when properties will develop, and are willing to accept that risk, the City is willing to include all of thirty-four (34) properties listed within reimbursement area as all would clearly benefit if they were to develop.
- B. At the time of future development of the benefited properties, they will not be required to install similar sewer system improvements because the developer already installed them. In the case of properties to the north this primarily recognizes the additional depth and capacity that we included in the line.
- C. Although restoration of Northwood Road was required and is included as part of the cost of the sewer installation, street improvements were not included in this latecomer agreement as a benefit to the properties.
- D. The utility system improvements have been constructed in such a manner that they can be used for City sewer service by all the properties within the assessment reimbursement area. It is understood that although this project doesn't include pipes to all properties, all the properties in this assessment area will receive a special benefit from these utility system improvements based on the depth and capacity of this system.

- E. You have proposed an equal allocation of the cost of construction, based on size in acres, to the 34 properties in the assessment reimbursement area. This would allocate the total cost of the sanitary sewer improvements, \$607,726, equally to each of the benefitting acres of 132.27 which would result in future assessments to the non-participating parcels as follows:

Sewer Improvements Assessment: \$ 4,594.59 per acre plus interest

The specific allocation to each of the 34 parcels (less interest) is detailed in the attached exhibit. I agree that allocation of cost by this method appears to be reasonable and equitable.

Please note that the properties will only incur an assessment when they propose to connect to sewer utility improvements (i.e. building permit and application for sewer connection) within the twenty (20) year assessment term.

Our next step in this process will be to mail a notice of this determination to all properties within the benefit area. This notice will provide an opportunity for all property in the benefit area (including you) to request a public hearing before the City Council within twenty days of the date of mailing said notice. In the event no timely written request is received, this determination will become final. If a hearing is requested, the City Council will hear comments and make a final decision on the assessment reimbursement area and the assessment amount. Once that is complete the City will be able to finalize and record the Latecomer Assessment Agreement with the Whatcom County Auditors Office.

Please feel free to contact me at (360) 354-3446 or by e-mail at banhams@lyndenwa.org if you have any questions regarding this determination or the latecomer reimbursement process.

Sincerely,



Steve Banham

C: Anthony Burrows, Finance Director
 Heidi Gudde, Planning Director