

One-rdg. X
P. Hrngs.
Pgs. 9
Filed: 04-17-18

Sponsored by: Fisk

First Reading:

Second Reading:

COUNCIL BILL 2018 - 094

SPECIAL ORDINANCE

AN ORDINANCE

TO LEVY AND ASSESS a special tax against the lots, blocks, and parcels of ground hereinafter described to pay for the cost of the construction of sanitary sewers in the City of Springfield, Missouri, in Sanitary Sewer District No. 17 of Section No. 26, in the general vicinity of Kearney Street and Lurvey Road; providing for inclusion of said district in the City Sewer Financial Assistance Program; authorizing the City Clerk to issue special tax bills and deliver the same to the Director of Finance to be registered in his office in accordance with this Ordinance; and declaring that this bill qualifies for approval in one reading.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SPRINGFIELD, MISSOURI, as follows, that:

Section 1 - There is hereby assessed against the lots, blocks, and parcels of ground hereinafter described special tax bills to pay for the cost of construction of sanitary sewers in Sanitary Sewer District No. 17 of Section No. 26 to be levied and issued as provided for herein.

Section 2 - The Sanitary Sewer District No. 17 of Section No. 26 will be included within the City Sewer Financial Assistance Program under Chapter 98, Article VI, Section 98-286(4)b of the Springfield City Code.

Section 3 - The City Clerk is authorized and directed under the seal of the City of Springfield, Missouri, to issue special tax bills in the name of the City against the hereinafter described lots, blocks, and parcels of ground for the respective amounts assessed against the same to pay for the cost of such construction and deliver the same to the Director of Finance.

33 Section 4 - Said tax bills shall be payable in 15 equal annual installments
34 becoming due, together with interest at the rate set forth below, on each anniversary
35 date after the issuance thereof for a period of 15 years respectively after the date of
36 issuance of the tax bills; provided, however, that each person paying such tax bills shall
37 have the right to pay the same in part or in full within 30 days after the issuance thereof
38 with no interest and shall have the further right to pay any combination of annual
39 principal payments or the unpaid balance of said tax bills with interest thereon up to the
40 date of payment, within 30 days after the end of any yearly period when any installment
41 is due. In addition to the above, tax bills may be paid in full at any time during the year
42 with interest thereon up to the date of payment.

43
44 Tax bills so issued shall be payable in accordance herewith. If any annual
45 installment of principal and interest thereof is not paid within 30 days of the due date,
46 then all the remaining installments with interest thereon shall at once become due and
47 payable, and payment of the entire amount of such tax bill remaining unpaid may be
48 demanded and enforced by the City. The lien thereof shall continue for 16 years from
49 the date of passage of this ordinance, or one year after the last installment becomes
50 due, unless sooner paid in full, or in the event suit is brought to enforce the collection of
51 such special tax bill under such lien, then until the expiration of the litigation.

52
53 Section 5 - City Council hereby sets the interest rate on the sewer tax bills to be
54 issued by the City for Sanitary Sewer District No. 17 of Section No. 26 to be the same
55 percentage rate of annual interest that is payable by the United States of America on
56 10-year treasury notes at the most recent auction before the date of the issuance of the
57 sewer tax bills, as is set forth in Section 88.812 of the Revised Statutes of Missouri.

58
59 Section 6 - The City Manager has caused to be computed the entire cost and
60 expense of the aforesaid improvement, including any cost or expense incurred by the
61 City, and the amounts herein charged, assessed, and levied have likewise been so
62 computed and are assessed and levied ratably against all lots and tracts of land within
63 the district in proportion to the area thereof and are as follows:

64
65 Tax Bill No: 53390A

66
67 Owner(s): MFA Oil Company

68
69 ALL Beginning at the Northeast corner of the West half of the Northwest Quarter of
70 Section 9, Township 29, Range 21, thence West 188-4/7 yards, thence South 256-
71 465/494 yards, thence East 188-4/7 yards, thence North 256-465/494 yards, to the
72 beginning Except the East 27 feet; and beginning 592.8 feet West of the Northeast
73 corner of the West half of the Northwest Quarter of Section 9, Township 29, Range 21,
74 thence East 27.1 feet, thence South 770.8 feet, thence West 32 feet, thence North
75 770.8 feet to the beginning. Except beginning 27 feet West and 40 feet South of the
76 Northeast corner of the West half of the Northwest Quarter of Section 9, Township 29,
77 Range 21, thence South 400 ft. thence West 100 ft., thence North 400 ft., thence East
78 100 ft., to the place of beginning, in Greene County, Missouri, containing 8.62 acres

79 more or less. (375,277.10 sq. ft.)
 80
 81 Square Foot Assessment (District 17 of Section 26) \$ 250,131.00
 82 Trunk Sewer Fee (Per Ordinance 23732) \$ 8,518.79
 83 Connection Fee \$ 600.00
 84
 85 Total Assessment \$ 259,249.79
 86
 87

88 Tax Bill No: 53391A
 89

90 Owner(s): H. Allen Poindexter, Trustee, or Successor Trustee, of the H. Allen
 91 Poindexter Revocable Trust
 92

93 A TRACT OF LAND 400 FEET NORTH AND SOUTH AND 100 FEET EAST AND
 94 WEST, LYING IN THE NORTHEAST CORNER OF THE FOLLOWING DESCRIBED
 95 TRACT OF LAND AND ADJOINING HIGHWAY 66 ON THE SOUTH; BEGINNING 27
 96 FEET WEST OF THE NORTHEAST CORNER OF THE WEST ONE-HALF (W1/2) OF
 97 THE NORTHWEST QUARTER (NW1/4) OF SECTION NINE (9), TOWNSHIP
 98 TWENTY-NINE (29), RANGE TWENTY-ONE (21); RUNNING THENCE WEST 188
 99 AND 4/7 YARDS; THENCE SOUTH 256 AND 465/494 YARDS TO THE POINT OF
 100 BEGINNING, ALL BEING IN GREENE COUNTY, MISSOURI, EXCEPT ANY PART
 101 THEREOF TAKEN, DEEDED OR USED FOR ROAD OR HIGHWAY PURPOSES.
 102 (35,501.40 sq. ft.)
 103

104 Square Foot Assessment (District 17 of Section 26) \$ 23,662.52
 105 Trunk Sewer Fee (Per Ordinance 23732) \$ 805.88
 106 Connection Fee \$ 300.00
 107
 108 Total Assessment \$ 24,768.40
 109
 110

111 Tax Bill No: 53392A
 112

113 Owner(s): Robert S. Lurvey and Steven N. Lurvey, Co-Trustees of the G.C. Lurvey
 114 Residual Trust
 115

116 ALL Beginning at the Northwest corner of the Northeast Quarter (NE 1/4) of the
 117 Northwest Quarter (NW 1/4) of Section Nine (9), Township Twenty-nine (29), Range
 118 Twenty-one (21), Greene County, Missouri, thence East 150 feet, thence South 200
 119 feet, thence West 150 feet, thence North to beginning, except roads and highways.
 120 AND
 121 Also beginning at the Northwest corner of the Northeast Quarter (NE 1/4) of the
 122 Northwest Quarter (NW 1/4), Section Nine (9), Township Twenty-nine (29), Range
 123 Twenty-one (21), Greene County, Missouri, thence west 27.1 feet, more or less, thence
 124 South 200 feet, thence East to West line of the Northeast Quarter (NE 1/4) of the

125 Northwest Quarter (NW 1/4) said Section, thence North 200 feet to beginning, except
126 highway. (28,336 sq. ft.)

127			
128	Square Foot Assessment (District 17 of Section 26)	\$	18,886.61
129	Trunk Sewer Fee (Per Ordinance 23732)	\$	643.23
130	Connection Fee	\$	300.00
131			
132	Total Assessment	\$	19,829.84

133
134
135 Tax Bill No: 53393A
136 Owner(s): Bus Andrews Equipment Sales & Service
137

138 ALL Beginning at the Northwest corner of the Northeast Quarter (NE 1/4) of the
139 Northwest Quarter (NW 1/4) of Section 9, Township 29, Range 21, thence east 20 rods,
140 for a beginning, thence South 540 feet, thence west 150 feet , thence North 540 feet,
141 thence East 150 feet to the point of beginning in Greene County, Missouri, EXCEPT for
142 Right-of-Way acquisition recorded at Book 2057, Page 1085 at the recorder's office of
143 Greene County, Missouri. (69,400 sq. ft.)

144			
145	Square Foot Assessment (District 17 of Section 26)	\$	46,256.73
146	Trunk Sewer Fee (Per Ordinance 23732)	\$	1575.38
147	Connection Fee	\$	600.00
148			
149	Total Assessment	\$	48,432.11

150
151
152 Tax Bill No: 53394A
153 Owner(s): National Energy Resources
154

155 Beginning 20 rods East of the Northwest corner of the East One-Half (E1/2) of the
156 Northwest Quarter (NW1/4) of Section Nine (9). Township Twenty-nine (29), of Range
157 Twenty-one (21), running thence East Twenty (20) rods: thence South Eighty (80) rods,
158 thence West Twenty (20) rods; thence North Eighty (80) rods, to the place of beginning,
159 EXCEPT such portion off the North end thereof as is or may be used for road purposes,
160 containing ten acres, more or less. (165,000 sq. ft.)

161			
162	Square Foot Assessment (District 17 of Section 26)	\$	109,976.37
163	Trunk Sewer Fee (Per Ordinance 23732)	\$	3,745.50
164	Connection Fee	\$	300.00
165			
166	Total Assessment	\$	114,021.87

167
168 Section 7 - Said sanitary sewer has been completed according to the contract
169 therefor and is hereby accepted from the contractor, Gillespie Excavating Co., LLC.
170 The total cost of construction of said sanitary sewer, including any cost or expense

171 incurred by the City, is \$433,624.45, and the total amount assessed for the payment of
172 said construction is \$433,624.45. As provided for by Special Ordinance 26894, passed
173 by City Council on May 15, 2017, and Resolution 10317, passed by City Council on
174 April 17, 2017, the rate of assessment levied against each property in the district is in
175 proportion to the square footage of the property. This rate of assessment is \$666.5235
176 per thousand square feet.

177
178 Section 8 – This Ordinance is for a public improvement and should be a one-
179 reading bill under City Charter Section 10.15. Therefore, this Ordinance shall be in full
180 force and effect from and after passage.

181
182 Passed at meeting: _____

183
184
185
186 _____
187 Mayor

188
189 Attest: _____, City Clerk

190
191
192 Filed as ordinance: _____

193
194
195 Approved as to form: John Millington, Assistant City Attorney

196
197
198 Approved for Council action: Greg Burt, City Manager

EXPLANATION TO COUNCIL BILL 2018- 094

FILED: 04-17-18

ORIGINATING DEPARTMENT: Environmental Services

PURPOSE: To levy and assess a special tax against the lots, blocks, and parcels of ground hereinafter described to pay for the cost of the construction of sanitary sewers in the City of Springfield, Missouri, in Sanitary Sewer District No. 17 of Section No. 26, in the general vicinity of Kearney Street and Lurvey Road; providing for inclusion of said district in the City Sewer Financial Assistance Program; authorizing the City Clerk to issue special tax bills and deliver the same to the Director of Finance to be registered in his office in accordance with this Ordinance; and declaring that this bill qualifies for approval in one reading.

BACKGROUND:

1. The project was scheduled for construction as part of the City's Tax Bill sewer construction program, as established in Resolution 7995, to eliminate septic tanks within the City limits and to encourage economic vitality and infill by providing sanitary sewer service. This project is funded by sewer improvement bonds that are already budgeted. It makes sewer available to five tracts, which eliminates five septic systems from within the City limits of Springfield and supports economic vitality as public sewer makes these lots available for redevelopment.
2. Special Ordinance 26552, passed by City Council on April 16, 2015, established and defined the boundaries for Sanitary Sewer District No. 17 of Section 26. Special Ordinance 26697, passed by City Council on February 22, 2016, amended Special Ordinance 26552 to redefine the boundaries for Sanitary Sewer District No. 17 of Section No. 26.
4. Plans, specifications, and a cost estimate were prepared by Environmental Services and are on file in the Director's office.
4. Wastewater from this district will flow to the Northwest Treatment Plant.
5. The project was advertised in *The Daily Events* on February 11, 2017, through February 13, 2017.
6. Bids were opened in the Busch Building on March 7, 2017, at 10:30 a.m. The following bids were received:

<u>CONTRACTOR</u>	<u>BID AMOUNT</u>
Gillespie Excavating Co., LLC	\$ 427,564.98
Flat Creek Excavating, LLC	\$ 534,930.39

D & E Plumbing & Heating, Inc.	\$ 539,862.25
Engineer's Estimate	\$ 516,281.50

7. The lowest responsible and responsive bidder for Sanitary Sewer District No. 17 of Section No. 26 is Gillespie Excavating Co., LLC. Gillespie Excavating Co., LLC. is a local contractor.
8. Resolution 10317, passed by City Council on April 17, 2017, declared it necessary to construct sanitary sewers in Sanitary Sewer District No. 17 of Section No. 26.
9. Resolution 10317 was published in *The Daily Events* on April 22, 2017, through April 26, 2017. A resolution was also posted in three locations within the district. A valid remonstrance was not filed.
10. Special Ordinance 26894, passed by City Council on May 15, 2017, accepted the bid of Gillespie Excavating Co., LLC, in the amount of \$427,564.98.
11. Construction has been completed and the project accepted. The actual total cost of construction, including any cost or expense incurred by the City, is \$433,624.45.
12. There is an existing Trunk Line fee of \$0.0227 per square foot, established by Special Ordinance 23732, passed by City Council on September 7, 1999.
13. The tax bill rate based on actual construction costs for Sanitary Sewer District No. 17 of Section No. 26 and the existing Trunk Line fee is \$0.6665235 per square foot of property owned.
14. The City will hold the tax bills for all properties within the district at 2.74 percent interest for 15 years.
15. Programs are available to assist property owners with the costs associated with the sewer tax bill and sewer hookup. The City Sewer Financial Assistance Program offers single-family residential property owners a maximum cap per tract on the tax bill amount. The Clean Water Services Division of the Department of Environmental Services offers a low-interest loan to help with costs for hookup to the sewer. The Sanitary Sewer Installation and Connection Assistance Program offers two types of assistance for low- and moderate-income families: a deferred, no-interest loan for sewer hookup costs and a direct grant to offset the cost of the tax bill. The City also provides a 15-year, low-interest payback arrangement for tax bill costs.
16. Letters have been mailed to property owners in the district with information regarding their tax bill amount and available assistance programs.

17. This Ordinance is for a public improvement, where a special tax bill is issued, and should be a one-reading bill under City Charter Section 10.15.
18. This Ordinance supports the following Field Guide 2030 goal(s): Chapter 6, Growth Management and Land Use; Major Goal 5, Protect and preserve our natural resources for future generations; Objective 5b, Maintain high water quality and increase water quantity by securing and improving water resources for future generations; and Objective 5c, Protect our caves and karst ecosystems which contain plants, animals, and natural communities that depend on the surrounding land and water to thrive and survive. Chapter 10, Public Health, Major Goal 5; Develop and ensure safe and healthy environments both indoors and outdoors; Objective 5c, Ensure a clean and sustainable water supply.

REMARKS: Environmental Services recommends passage of this Ordinance.

Submitted by:



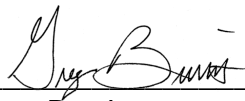
Errin Kemper
Director of Environmental Services

Recommended by:



Stephen Meyer
Director of Environmental Services

Approved by:



Greg Burris
City Manager

SANITARY SEWERS DISTRICT 17 OF SECTION 26

