

**SUBJECT:** Administrative report relating to the creation of and improvement to West White Birch Drive Road Paving Local Improvement District No. 588; and consideration of said creation.

**AGENDA OF:** February 7, 2017

**ASSEMBLY ACTION:**  
 OR 17-008 - Defeated Unanimously @  
 3/21/17 Rm

**MANAGER RECOMMENDATION:** Introduce and set for public hearing on March 21, 2017.

**APPROVED BY JOHN MOOSEY, BOROUGH MANAGER:** \_\_\_\_\_

Route To:	Department/Individual	Initials	Remarks
	Originator	MUE	
	Finance Director	g	
	Borough Attorney (also reviewed by bond counsel)	A-NS	
	Borough Clerk		1/30/17

**ATTACHMENT (S) :** Fiscal Note: YES \_\_\_\_\_ NO X  
 Ordinance Serial No. 17-008 (5 pp)  
 Exhibit A (1 p)  
 Map (1 p)  
 Ballot Tally (1 p) - to be presented at Public Hearing

**SUMMARY STATEMENT:**

A petition has been filed by the record owners of 73 percent in value of the property and signatures of 71 percent of property owners within the proposed West White Birch Drive Road Paving Local Improvement District. The petition has been certified by the borough clerk. The proposed West White Birch Drive Road Paving Local Improvement District is located in Assembly District #5.

As addressed in Section 7 of the Manager's Administrative Report, (listed below) there are zero properties that do not conform to MSB 3.28.080(B).

If monies are appropriated in the Fiscal Year 2017 budget for the road program, this LID, if approved, would qualify for up to 50 percent matching funds.

**MANAGER'S ADMINISTRATIVE REPORT**

(MSB 3.28.040)

1. Description of properties to be benefited by the improvement:  
SEE ORDINANCE SERIAL NO. 17-008
  
2. Evaluation of need and benefit of improvement and proposed allocation of special assessments:  
Paving the surface of the road within the West White Birch Drive road paving LID will improve the road conditions and make maintenance of the road easier. Properties, including vacant properties, being benefited by paving the surface of the road have a tendency to sell more rapidly when placed on the market than similar properties. It is believed that the benefits will accrue about equally to each property in the improvement district. Therefore, it is proposed that the entire cost of the improvement to be allocated equally to each property within the district, without regard to the front footage, the size of the property, the value of the property or other measures.
  
3. Estimated total cost of improvement:  
The estimated cost by the public works department for the paving is \$116,780.39, if done during the 2017 construction season. It is estimated that administrative costs will amount to approximately \$5,240 and the delinquency reserve will be \$10,640. The estimated total cost of the improvement as of this date is \$132,660.39. It is recommended that the project be financed by a special assessment bond or bank loan which will be reimbursed from the special assessments on the properties to be benefited. It is anticipated that interest on the loan will be recovered through the interest that will be paid on special assessment installments.
  
4. Current mill rate: The Fiscal Year 2017 mill rate for the improvement district is 15.579 consisting of 9.984 mills (areawide) plus 0.525 mills (non-areawide) plus 2.15 mills (FSA #130) and 2.92 mills (RSA #17).

Taxable Property Values:	Real Property:	\$5,040,600
	Personal Property:	0.00
	Total:	<u>\$5,040,600</u>

5. Profile of proposed properties in local improvement district:

	Total Number of Lots:	<u>24</u>
Ownership type of properties:	Private:	<u>24</u>
	Bank:	<u>0</u>
	Public:	<u>0</u>
	MSB:	<u>0</u>
"Tax" status of properties:	Number Current:	<u>24</u>
	Number Delinquent:	<u>0</u>
	Number in Foreclosure:	<u>0</u>
	Number in Bankruptcy:	<u>0</u>
	Population Estimate:	<u>59</u>
	Estimated Area (Acres):	<u>25.46</u>

This estimate is based on information collected during the 2010 census and current assessment records.

6. Other special assessments affecting this local improvement district: None

7. Properties not conforming to MSB 3.28.080(B) "...An assessment may not exceed 25 percent of the assessed value for real property taxation of the property assessed..": 0.

8. Method of collecting assessments: Semi-annual due dates will be established, with billings sent to each property owner 30-45 days before each due date. Delinquent accounts will be acted upon in the same manner as delinquent tax accounts, including annual foreclosure action.

**IMPROVEMENT PLAN (MSB 3.28.050B)**

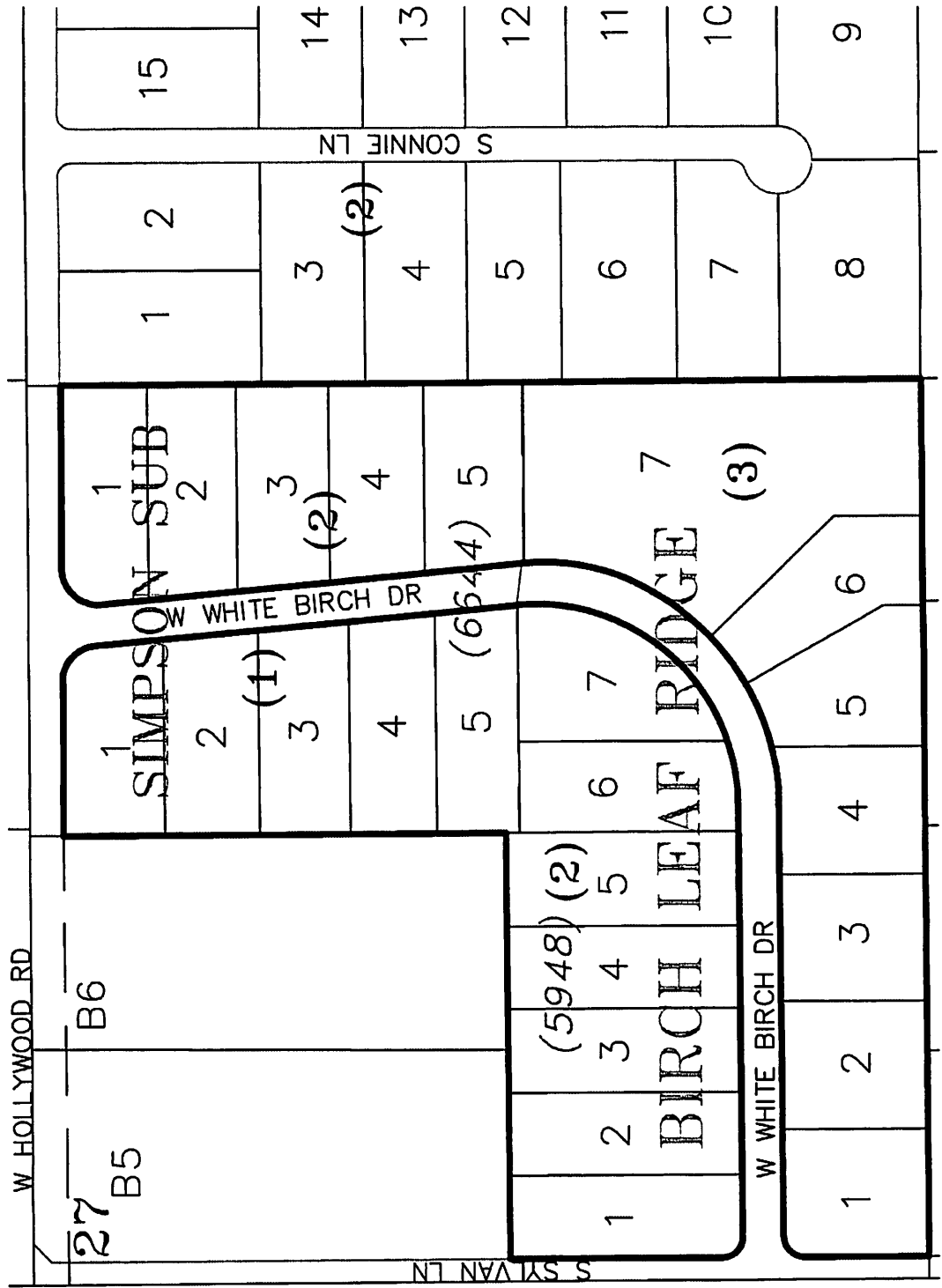
The improvement funding will be obtained by selling a special assessment bond to a bank. Only the proceeds of the special assessments and interest will be pledged as security for payment. The special assessments may be paid by the property owners in semi-annual installments over a ten year period.

The estimated total cost is \$132,660.39. The estimated cost elements are paving \$116,780.39, delinquency reserve of \$10,640, and administrative costs of \$5,240.

The estimated total cost is to be equally assessed against the properties within the improvement district, including those properties not meeting to MSB 3.28.080(B) criteria.

The estimated special assessment against the 24 lots is \$5,527.52 per lot.

If the entire 50 percent was approved from matching funds the estimated special assessment against the 24 lots with the 50% matching funds would be \$2,884.59, which is comprised of 50% of the construction costs only (not including any upgrade, if necessary for the project, or administrative costs or reserves).



# BALLOT TALLY

LID NUMBER	588	
LOCAL IMPROVEMENT NAME	West White Birch Drive	
LOAN AMOUNT	133,000.00	
CONSTRUCTION COSTS	116,780.39	
NUMBER OF LOTS	24	
PER LOT COST (FULL AMOUNT)	5,527.52	
PER LOT COST (50%)	2,884.59	
ESTIMATED SEMI-ANNUAL PAYMENT	276.38	
REFUNDABLE OR CONTRIBUTION IN AID	Road Paving	

CJ  
3/16/17

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NUMBER OF BALLOTS MAILED	<u>24</u>	
NUMBER AND PERCENTAGE OF BALLOTS RETURNED MARKED "YES"	<u>10</u>	<u>(42%)</u>
NUMBER OF BALLOTS RETURNED MARKED "NO"	<u>5</u>	(21%)
NUMBER OF BALLOTS RETURNED UNMARKED INCORRECT PAPERWORK AND/OR SIGNATURE	<u>9</u>	(37%)
TOTAL NUMBER AND PERCENTAGE OF BALLOTS UNMARKED OR NOT RETURNED	<u>14</u>	<u>(58%)</u>

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NUMBER OF BOROUGH OWNED LOTS	<u>0</u>	
NUMBER OF STATE OWNED LOTS	<u>0</u>	
NUMBER OF LOTS LESS THAN 4X1	<u>0</u>	
LETTERS NOT RECEIVED	<u>4</u>	(3 unclaimed)

**COMMENTS:**

**As provided in MSB 3.28.062(B), the assembly may not proceed with the improvement unless ballots approving the local improvement district are timely filed by owners of property bearing more than one-half of the estimated cost of the improvement.**

**Administration recommends denial of Ordinance Serial No. 17-008.**