

172420

867

Charlie Hales, Commissioner
Engineering & Development
Brant Williams, City Engineer
1120 S.W. 5th Avenue, Room 802
Portland, Oregon 97204-1914
(503) 823-7004
FAX (503) 823-7371
TDD 823-6868



CITY of PORTLAND

OFFICE of TRANSPORTATION

June 17, 1998

TO THE COMMISSIONER:

The LID street improvement of SW Palatine St. from SW 45th Ave. to SW 43rd Ave. was constructed by authority of Ordinance No. 169024. Council accepted and approved a certificate of completion on January 28, 1998.

One letter of objection has been received. A copy of the letter is attached.

BACKGROUND

In addition to improving SW Palatine St. from 45th Ave. to 43rd Ave., this project included the construction of a storm sewer in the unimproved 45th Ave. right-of-way to an outfall at Arnold Creek. This work required working in both environmental conservation and protective zones. The sensitive nature of this work required review and approval of our intended work practices, as well as enhancement work including water quality and storm water detention features, stream restoration to correct pre-existing erosion, and revegetation of the work area. The costs incurred for this work were in addition to the preliminary estimate given to property owners at the beginning of the project.

In an effort to equitably share the additional cost of this project with the residents of SW Palatine St., staff from BTED and BES proposed to property owners at a neighborhood meeting on March 5, 1997 that they pay the original estimated price of \$112,700 for the construction of their street and storm sewer plus 30% of all environmental costs. The Bureau of Transportation Engineering and Environmental Services would pick up the remaining costs. This proposal was acceptable to the property owners, and the project was constructed last summer.

LETTER OF OBJECTION

One letter of objection has been received. Barry Pilip, the owner of lot 1, Partition Plat 1991-20, is objecting to an increase from his estimated assessment to the final of \$652. He states that property owners were given a guarantee on their individual assessments.

Response:

As stated above, City staff guaranteed that the total cost to property owners would not exceed \$112,700 plus 30% of all environmental costs. Property owners were given a handout

SW Palatine St.: 45th to 43rd
Engineer's Report
June 17, 1998

illustrating the estimated breakdown of costs. However, they were told that actual costs could fluctuate for two reasons: (1) total environmental costs were not yet known, and (2) actual bid prices submitted by the contractor would impact the assessment for items charged directly to individual property owners (i.e., driveways and connections, rain drain connections). Therefore, the assessments shown were estimates only. (See attached handout from March 5, 1997 neighborhood meeting.)

As promised, the property owner share of this project was held to \$112,700 plus 30% of the environmental costs. The total charged was \$146,242 compared to the earlier estimate of \$144,500, reflecting an increase of \$1,742. Assessments to six property owners increased, and those to the five others decreased. Mr. Pilip's assessment increased because we reconstructed a larger portion of his driveway than anticipated, and the unit price was higher than estimated.

RECOMMENDATION

It is the City Engineer's recommendation that the letter of objection be overruled and the Assessing Ordinance be passed.

Respectfully submitted,



Brant Williams, P.E.
City Engineer

TO THE COUNCIL:

The Commissioner of Public Works concurs with the above report, and

RECOMMENDS,

that the letter of objection be overruled and the Assessing Ordinance be passed.

Respectfully submitted,

Charlie Hales
Commissioner

Attachments

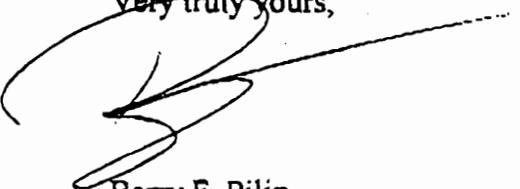
June 9, 1998

City of Portland
Assessment & Lien
1221 SW 4th, Rm. 130
Portland, OR 97204

Re: Acct. #00108604
Project #C9855

During the development of the Palatine St. L.I.D., the districts land owners were guaranteed *maximum not to exceed pricing*. We were all sent notices in 1996 of the amounts which were going to be assessed. The City of Portland was to pay for any difference between these amounts and the actual development/construction cost. My records show an assessment amount of \$17,454.00 was made on March 04, 1997, and I expect the city to honor it's prior commitment for that amount.

Very truly yours,



Barry F. Pilip

**SW Palatine Street LID
SW 43rd Ave. to SW 45th Ave.
Estimated Assessments**

172420

<u>Property Owner</u>	<u>Legal Description</u>	<u>Street + Storm</u>	<u>Direct Costs *</u>	<u>Environmental Costs</u>	<u>Recording</u>	<u>Estimated Assessment</u>
	<u>W. Portland Park, Bl. 46</u>					
Hyne	TL 8 of Lots 6-8 (6,637 SF)	\$ 7,949	\$ 1,202	\$ 2,918	\$ 28	\$ 12,098
Benyahich	Lots 34-36 (7,500 SF)	8,983	4,360	3,298	28	16,668
Louie	Lots 31-33 (7,500 SF)	8,983	2,982	3,298	56	15,319
Sparkman	Lots 27-30 (10,000 SF)	11,977		4,397	56	16,430
	<u>Partition Plat 1991-92</u>					
Hinman	Lot 2 (7,507 SF)	8,991	443	3,301	28	12,763
	<u>Partition Plat 1991-20</u>					
Pilip	Lot 1 (7,000 SF)	8,384	5,964	3,078	28	17,454
	<u>W. Portland Park, Bl. 55</u>					
McCarney	Lots 9 & 10 (5,000 SF)	5,989	2,233	2,198	28	10,448
Fredericks	Lots 11 & 12 (5,000 SF)	5,989	2,243	2,198	28	10,458
Rasmussen	Lots 13 & 14 (5,000 SF)	5,989		2,198	28	8,215
McGuire	Lots 15-18 (10,000 SF)	11,977		4,397	56	16,430
Culver	Lots 19 & 20 (5,000 SF)	5,989		2,198	28	8,215
ESTIMATED PROJECT TOTAL		\$ 91,200	\$ 19,428	\$ 33,480	\$ 392	\$ 144,500

* Direct Costs = Driveways, Driveway Connections, Storm Laterals

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 CITY OF PORTLAND
 OFFICE OF THE CITY AUDITOR
 LIEN5405
 ASSESSMENT NOTICE REGISTER

PAGE: 428
 RUN DATE: 05/28/98

TIME & MANNER: ORDINANCE #: 99999 DATE: 04/29/1996
 ASSESSING: ORDINANCE #: 0 DATE: 00/00/0000

AUDITOR'S FILE NO. C9855 CONSTRUCT STREET & STORM SEWER IMPROVEMENTS IN THE SW PALATINE ST FROM SW 43RD AVE TO SW 45TH AVE & IN THE SW 43RD AVE R/W TO ARNOLD CREEK LID
 DATE OF NOTICE: 05/29/1998
 OBJECTION DATE: 06/10/1998
 HEARING DATE: 06/17/1998

ACCOUNT NUMBER LEGAL DESCRIPTION	PROPERTY ADDRESS MAILING NAME MAILING ADDRESS	ASMT AMT ASSESSED VAL
TAX NMBR: R649711160 CNTY CODE: M ACCT #: 00108604 - BOOK: 2253 PAGE: 2327	4444 SW PALATINE ST PORTLAND, OR OR 97219	\$ 18,106.32
ADDITION: PARTITION PLAT 1991-20 YEAR ACQ: 92 89 BLOCK: LOT: 1 DESC:	PILIP, BARRY F	\$ 0.00
ADDL LEGAL DESC:	4444 SW PALATINE ST PORTLAND OR 97219-7431 PHONE NUMBER:	INV #: SQ FT: 7,000.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01
TAX NMBR: R649715500 CNTY CODE: M ACCT #: 00108605 - BOOK: 2535 PAGE: 0181	OR 97230	\$ 13,057.46
ADDITION: PARTITION PLAT 1991-92 YEAR ACQ: 92 BLOCK: LOT: 2 DESC:	HINMAN, ALAN & HINMAN, MELODY	\$ 0.00
ADDL LEGAL DESC:	9820 SW 30TH PORTLAND OR 97219 PHONE NUMBER:	INV #: SQ FT: 7,507.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01
TAX NMBR: R894608470 CNTY CODE: M ACCT #: 00108606 - BOOK: 94 PAGE: 004186	11224 SW 45TH AVE PORTLAND, OR OR 97219	\$ 12,922.64
ADDITION: WEST PORTLAND PK YEAR ACQ: 94 88 BLOCK: 46 LOT: 6-8 DESC: TL 8 OF	HYNE, JOYCE A & ALLOTEY, SAMUEL A 11224 SW 45TH AVE	\$ 0.00
ADDL LEGAL DESC:	PORTLAND OR 97219-7292 PHONE NUMBER:	INV #: SQ FT: 6,637.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01

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EXHIBIT "A"

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TAX NMBR: R894608600 ADDITION: WEST PORTLAND PK BLOCK: 46	CNTY CODE: M ACCT #: 00108607 - BOOK: 95 PAGE: 056649 YEAR ACQ: 95 DESC: LOT: 27-29	PORTLAND, OREGON OR SPARKMAN, LORANE TR 7742 SE 15TH AVE PORTLAND OR 97202-6012 PHONE NUMBER:	\$ 12,155.74 \$ 0.00 INV #: SQ FT: 7,500.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01
ADDL LEGAL DESC:			

TAX NMBR: R894608606 ADDITION: WEST PORTLAND PK BLOCK: 46	CNTY CODE: M ACCT #: 00108608 - BOOK: 95 PAGE: 056649 YEAR ACQ: 95 DESC: LOT: 30	PORTLAND, OREGON OR SPARKMAN, LORANE TR 7742 SE 15TH AVE PORTLAND OR 97202-6012 PHONE NUMBER:	\$ 4,070.58 \$ 0.00 INV #: SQ FT: 2,500.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01
ADDL LEGAL DESC:			

TAX NMBR: R894608610 ADDITION: WEST PORTLAND PK BLOCK: 46	CNTY CODE: M ACCT #: 00108609 - BOOK: 2175 PAGE: 2193 YEAR ACQ: 89 DESC: LOT: 31&32	4411 SW PALATINE ST PORTLAND, OR OR 97219 LOUIE, NANCY 14970 SE 119TH CLACKAMAS OR 97015 PHONE NUMBER:	\$ 11,407.64 \$ 0.00 INV #: SQ FT: 5,000.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01
ADDL LEGAL DESC:			

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TAX NMBR: R894608620 - BOOK: 2175 PAGE: 2193 ADDITION: WEST PORTLAND PK BLOCK: 46 LOT: 33 CNTY CODE: M ACCT #: 00108610 YEAR ACQ: 89 DESC:	OR LOUIE, NANCY 14970 SE 119TH CLACKAMAS OR 97015 PHONE NUMBER:	\$ 4,070.58 \$ 0.00 INV #: SQ FT: 2,500.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01
TAX NMBR: R894608640 - BOOK: 2178 PAGE: 0727 ADDITION: WEST PORTLAND PK BLOCK: 46 LOT: 34-36 CNTY CODE: M ACCT #: 00108611 YEAR ACQ: 89 DESC:	4425 SW PALATINE ST PORTLAND, OR OR 97219 BENYAHICH, MOHAMED & LINDA 4425 SW PALATINE ST PORTLAND OR 97219-7496 PHONE NUMBER:	\$ 16,423.30 \$ 0.00 INV #: SQ FT: 7,500.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01
TAX NMBR: R894610780 - BOOK: 2180 PAGE: 1559 ADDITION: WEST PORTLAND PK BLOCK: 55 LOT: 9&10 CNTY CODE: M ACCT #: 00108612 YEAR ACQ: 89 DESC:	4428 SW PALATINE ST PORTLAND, OR OR 97219 MC CARNEY, KATHLEEN A 4428 SW PALATINE ST PORTLAND OR 97219-7431 PHONE NUMBER:	\$ 10,784.36 \$ 0.00 INV #: SQ FT: 5,000.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01

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TAX NMBR: R894610790 - BOOK: 2652 PAGE: 0001 ADDITION: WEST PORTLAND PK BLOCK: 55 LOT: 11&12 DESC:	CNTY CODE: M ACCT #: 00108613 4414 SW PALATINE ST PORTLAND, OR OR 97219	\$ 10,790.72
ADDL LEGAL DESC:	FREDRICKS, SCOTT W & DEENA J 4414 SW PALATINE ST PORTLAND OR 97219-7431 PHONE NUMBER:	\$ 0.00 INV #: 5,000.00 SQ FT: 0.00 # BRANCH: 001 FINANCE PLAN: 01 OPTION:

TAX NMBR: R894610800 - BOOK: 2087 PAGE: 2513 ADDITION: WEST PORTLAND PK BLOCK: 55 LOT: 13&14 DESC:	CNTY CODE: M ACCT #: 00108614 PORTLAND, OREGON OR	\$ 8,113.16
ADDL LEGAL DESC:	RASMUSSEN, ALICE M & O'NEILL, ANN L 10840 NE BEECH ST PORTLAND OR 97220-2750 PHONE NUMBER:	\$ 0.00 INV #: 5,000.00 SQ FT: 0.00 # BRANCH: 001 FINANCE PLAN: 01 OPTION:

TAX NMBR: R894610810 - BOOK: 96 PAGE: 172185 ADDITION: WEST PORTLAND PK BLOCK: 55 LOT: 15&16 DESC:	CNTY CODE: M ACCT #: 00108615 PORTLAND, OREGON OR	\$ 8,113.16
ADDL LEGAL DESC:	MCGUIRE, TIMOTHY W & TERESA C 3130 SW CARAWAY CT PORTLAND OR 97219 PHONE NUMBER:	\$ 0.00 INV #: 5,000.00 SQ FT: 0.00 # BRANCH: 001 FINANCE PLAN: 01 OPTION:

FORM 5022

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PAGE: 432
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TAX NMBR: R894610820 - BOOK: 96 PAGE: 172185 ADDITION: WEST PORTLAND PK BLOCK: 55 LOT: 17&18 DESC:	CNTY CODE: M ACCT #: 00108616 PORTLAND, OREGON OR MCGUIRE, TIMOTHY W & TERESA C 3130 SW CARAWAY CT PORTLAND OR 97219 PHONE NUMBER:	\$ 8,113.16 \$ 0.00 INV #: SQ FT: 5,000.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01
ADDL LEGAL DESC:		

TAX NMBR: R894610830 - BOOK: 94 PAGE: 114934 ADDITION: WEST PORTLAND PK BLOCK: 55 LOT: 19&20 DESC:	CNTY CODE: M ACCT #: 00108617 OR CULVER, GRANT 7420 SE 34TH AVE PORTLAND OR 97202 PHONE NUMBER:	\$ 8,113.16 \$ 0.00 INV #: SQ FT: 5,000.00 # BRANCH: 0.00 FINANCE PLAN: 0001 OPTION: 01
ADDL LEGAL DESC:		

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AUDITOR'S FILE NO. C9855 CONSTRUCT STREET & STORM SEWER IMPROVEMENTS IN THE SW PALATINE ST FROM
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ACCOUNT NUMBER	PROPERTY ADDRESS	ASMT AMT
LEGAL DESCRIPTION	MAILING NAME	ASSESSED VAL
	MAILING ADDRESS	

TOTAL NUMBER OF ACCOUNTS: 14
TOTAL PROPERTY ASSESSMENT: \$ 146,241.98

FORM US02

ORDINANCE NO. **172420**

Assess benefitted property for the costs of constructing street and storm sewer improvements in the SW Palatine/43rd to 45th Ave Local Improvement District (Hearing; Ordinance; C-9855)

The City of Portland ordains:

Section 1. The Council finds:

1. The street and storm sewer improvements in the SW Palatine/43rd to 45th Ave Local Improvement District were constructed by the authority of Ordinance No. 170191.
2. The Council has accepted and approved a certificate of completion for the project. The whole cost of the improvement is \$274,798.49. The property owner share for this project is \$146,242.00.
3. The Bureau of Transportation has determined that the project is consistent with the level of service anticipated by the City's Comprehensive Plan, particularly the goals and policies contained in Goal 1 - Metropolitan Coordination, Goal 2 - Urban Development, and Goal 11 - Public Facilities.
4. Each parcel of land within the local improvement district receives special and peculiar benefit from the project in the amounts set forth in Exhibit A, with original only. The benefitted properties are legally described based on Multnomah County property tax records as of the filing date of this ordinance.
5. The City Auditor has notified property owners of the assessment hearing conducted by City Council, the right and manner to object to the proposed assessment, and the amount of the proposed assessment on benefitted property as set forth in Exhibit A.
6. The Council has considered the proposed assessments and all the objections made by owners of benefitted property and has accepted the report of the responsible bureau.

NOW, THEREFORE, the Council directs:

- a. The assessment roll contained in Exhibit A of this ordinance is hereby adopted and approved.
- b. The City Auditor to enter the assessments in the Docket of City Liens.
- c. The City Auditor to mail final assessment notices to all owners of benefitted property as described in Exhibit A.

Passed by the Council **JUN 24 1998**

Barbara Clark, City Auditor
FD/Im
June 1, 1998

By

BARBARA CLARK
Auditor of the City of Portland
Deputy *Britta Olson*

ORDINANCE NO. 172420

Title

Assess benefitted property for the cost of constructing street and storm sewer improvements in the SW Palatine/43rd to 45th Ave Local Improvement District (Hearing; Ordinance; C-9855)

INTRODUCED BY Barbara Clark <i>BC</i>	Filed: JUN 12 1998
NOTED BY COMMISSIONER	Barbara Clark Auditor of the City of Portland
Affairs Finance and Administration Safety Utilities Works	By: <u><i>Cay Kerschmer</i></u> Deputy
BUREAU APPROVAL Bureau: Auditor's Office Auditor	For Meeting of: _____
Prepared by <i>F. Dufay</i> F. Dufay/lm June 1, 1998	ACTION TAKEN: JUN 17 1998 REMONSTRANCE OVERRULED PASSED TO SECOND READING JUN 24 1998 9:30 A.M.
Budget Impact Review: Completed Not Required	
Bureau Head: Barbara Clark	

AGENDA		FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
			YEAS	NAYS
Consent	Regular	Francesconi	✓	
NOTED BY		Hales	✓	
City Attorney		Kafoury	✓	
City Auditor		Sten	✓	
City Engineer		Katz		