

ORDINANCE No. 184595

Create a local improvement district to construct street, sidewalk and stormwater improvements from Pardee St to Liebe St in the Lents Phase IV / SE 118th Ave Local Improvement District (Hearing; Ordinance; C-10040)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 36853 on April 13, 2011, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the Lents Phase IV / SE 118th Avenue Local Improvement District. The record related to the adoption of Resolution No. 36853 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36853 shall be considered a remonstrance for purposes of Section 17.08.070 of City Code, or for purposes of Section 9-403 of the City Charter.
2. The City Auditor mailed notice of the May 11, 2011 local improvement district formation hearing on April 20, 2011 to the owners of the benefited properties within the proposed Lents Phase IV / SE 118th Avenue Local Improvement District. The property owners were notified of the time and location of the hearing conducted by Council, the total estimated project costs, the right and manner to object to the formation of the Lents Phase IV / SE 118th Avenue Local Improvement District, the deadline and procedure for filing remonstrances against the formation of the Lents Phase IV / SE 118th Avenue Local Improvement District, and the amount of the estimated future assessment on benefited properties as set forth in Exhibit A (attached to the original only). The deadline to submit written remonstrances was at 5:00 PM on May 4, 2011.
3. Notices of the local improvement district formation hearing were posted within the Lents Phase IV / SE 118th Avenue Local Improvement District on April 26, 2011.
4. The Local Improvement District Administrator published notice of the May 11, 2011 local improvement district formation hearing in the Daily Journal of Commerce on April 26, 2011 and on April 27, 2011.
5. The improvements will be constructed on SE 118th Avenue from the south right-of-way line of SE Pardee Street to the south right-of-way line of SE Liebe Street, plus any transition work on abutting street segments, intersections, and/or adjacent properties (including Parks properties) determined to be necessary by the City Engineer.

6. The general character and scope of the improvement is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater management facilities; construct sidewalks on both sides of the street; and plant street trees in most locations as shown in Exhibit B. Speed bumps may also be constructed as part of this project on any portion of SE 118th Avenue between SE Holgate Boulevard and SE Liebe Street, and on any portion of SE Liebe Street between SE 118th Avenue and SE 122nd Avenue.
7. An Early Assistance Appointment was held on or about July 13, 2010 regarding a proposed subdivision of the property at 4804 SE 118th Avenue with State ID #1S2E15AA 5700, Tax Account #R992152000, Property ID #R335592 into nine (9) lots; per 10-151375 EA, a 4' dedication will be required. If this dedication has not been completed by the time that the City Engineer has approved plans for this project, or if the City Engineer deems that the newly-constructed sidewalk would be at risk during the construction of the private development on this property, the sidewalk on the east side of SE 118th Avenue from SE Schiller Street to 95 feet south may be eliminated from the improvements constructed by this LID project. No reduction to the assessable 27,234 square feet for this property will be made if the sidewalk is not constructed and elimination of the sidewalk will not be considered a significant change under Section 17.08.080 of City Code. The decision as to whether to eliminate the sidewalk is at the sole discretion of the City Engineer, and would simply postpone construction of the sidewalk; it would not eliminate the requirement to construct an abutting sidewalk on SE 118th Avenue. The calculation of the credit, if applicable, will be made by the Local Improvement District Administrator and will be subject to City Council approval. This LID project will, at minimum, construct required street widening, stormwater drainage and curb improvements for this property's SE 118th Avenue frontage for the special benefit of this property. It will not design or construct required improvements for SE Schiller Street, nor will it design or construct any required private street improvements to serve this property.
8. The extension of SE 118th Avenue from 95 feet south of SE Schiller Street to the south right-of-way line of SE Liebe Street is contingent upon execution of a Memorandum of Understanding between the Bureau of Transportation and Portland Parks and Recreation.
9. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer. Construction of speed bumps is at the sole discretion of the City Traffic Engineer.
10. The boundaries of the Lents Phase IV / SE 118th Avenue Local Improvement District shall include the properties as shown in Exhibit C.

11. The Local Improvement District Administrator's estimated cost of designing, constructing and financing the improvements is \$1,155,672.06 as shown in Exhibit D. The Local Improvement District Administrator's estimate is based on the Engineer's Estimate as contained in Exhibit E. The Local Improvement District Administrator's level of confidence in the cost estimate for this project as of the filing date of this Ordinance is "Low" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006 given that project specifications are preliminary. The estimated amount of the future assessment for the Lents Phase IV / SE 118th Avenue Local Improvement District is \$261,133.79. Additional funding is being provided by the Portland Development Commission in the estimated amount of \$890,940.85 and by the Bureau of Transportation in the estimated amount of \$3,597.42.
12. The Local Improvement District Administrator has analyzed the financial feasibility of the Lents Phase IV / SE 118th Avenue Local Improvement District and has made a finding that the collective bonding capacity of benefiting properties is sufficient so as to minimize the City of Portland's financial risk associated with this project. The collective real market valuation of benefiting properties included in the Lents Phase IV / SE 118th Avenue Local Improvement District is \$3,809,700 for a collective estimated assessment to valuation ratio of 14.6 : 1 as shown in Exhibit F.
13. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the Lents Phase IV / SE 118th Avenue Local Improvement District because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
14. The parcels of land within the Lents Phase IV / SE 118th Avenue Local Improvement District will receive special benefit from the project in the amount set forth in Exhibits A and F.
15. The Council has considered the remonstrances made by owners of properties to be benefited by the Lents Phase IV / SE 118th Avenue Local Improvement District project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.
16. Passage of this Ordinance provides assurance of performance for required frontage improvements on SE 118th Avenue per Section 17.24.055 of City Code, but not for SE Schiller Street, SE Pardee Street, or for SE Liebe Street.
17. Assessments for local improvement districts are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
18. Pursuant to City Code, assessment for the Lents Phase IV / SE 118th Avenue Local Improvement District will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- a. The Lents Phase IV / SE 118th Avenue Local Improvement District is hereby created as shown in Exhibit C, and the Lents Phase IV / SE 118th Avenue Local Improvement District includes the properties to be benefited in the amounts identified in Exhibits A and F.
- b. The properties owners' estimated share of costs is as shown in Exhibit F. Costs for any necessary utility relocation shall be allocated per Subsection 17.16.100 of City Code as well as per the Final Procedures for Allocation of Utility Relocation Costs adopted on June 5, 2002.
- c. The properties shall be assessed on a square footage basis.
- d. The City Engineer shall prepare plans and specifications for the improvement.
- e. The City Engineer shall arrange for construction of the local improvement project.
- f. Procurement Services within the Bureau of Internal Business Services shall advertise for bids, prepare a contract, and award the contract through a competitive bid process. The improvements may be constructed in whole or in part by the City of Portland, or the City of Portland may seek bids for any portion of the Lents Phase IV / SE 118th Avenue Local Improvement District project. The manner in which the improvements are constructed is at the sole discretion of the City Engineer.
- g. The City Auditor shall obtain interim financing to pay for Lents Phase IV / SE 118th Avenue Local Improvement District project costs prior to bonding.
- h. The Bureau of Transportation and Portland Parks and Recreation to execute a Memorandum of Understanding to effect the extension of SE 118th Avenue from 95 feet south of Schiller Street through the northeast corner of Raymond Park to the south line of SE Liebe Street.

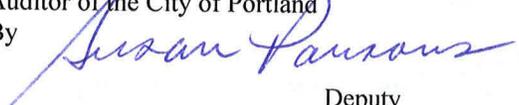
Passed by the Council,

MAY 18 2011

Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: May 2, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By


Deputy

Agenda No. **184595**
ORDINANCE NO.
Title

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INTRODUCED BY
Commissioner/Auditor:
MAYOR SAM ADAMS
K. Salzman on behalf of Mayor Adams
COMMISSIONER APPROVAL

Mayor—Finance and Administration - Adams

Position 1/Utilities - Fritz

Position 2/Works - Fish

Position 3/Affairs - Saltzman

Position 4/Safety - Leonard

BUREAU APPROVAL
Bureau: Bureau of Transportation
Group Manager: Greg Jones
Development & Capital Program
Other: *Greg Jones*

Prepared by: Andrew Aebi:slg
Date Prepared: May 2, 2011
ATA 5/2/11

Financial Impact Statement
Completed Amends Budget
Not Required

Portland Policy Document
If "Yes" requires City Policy paragraph stated in document.
Yes No

Council Meeting Date
May 11, 2011

City Attorney Approval

CLERK USE: DATE FILED MAY 06 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By: *[Signature]* Deputy

ACTION TAKEN:
MAY 11 2011 PASSED TO SECOND READING MAY 18 2011 9:30 A.M.

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: **10 min**
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	