

ORDINANCE No. 184691

Assess benefited properties for street and stormwater improvements in the NE 109th Ave Local Improvement District (Hearing; Ordinance; C-10030)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NE 109th Avenue Local Improvement District (LID) by the passage of Resolution No. 36631 on August 27, 2008.
2. The Council approved formation of the NE 109th Avenue Local Improvement District by the passage of Ordinance No. 182234 on October 1, 2008.
3. The assessment formula is on a square footage basis, with an estimated rate at LID formation of \$2.88 per assessable square foot and an actual rate of \$1.79 per assessable square foot at final assessment. The assessment worksheet is as shown in Exhibit A.
4. The record related to the adoption of Resolution No. 36631 and of Ordinance No. 182234 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36631 nor of Ordinance No. 182234 shall be considered an objection to final assessment for purposes of Section 17.08.130 of City Code, nor for purposes of Section 9-405 of the City Charter.
5. The Council awarded the construction contract to Parker Northwest Paving with the acceptance of the Procurement Report for Bid No. 111555 on May 5, 2010. The City subsequently entered into Contract No. 30001351 with Parker Northwest Paving on May 24, 2010.
6. The 1,002 centerline feet of street improvements were substantially completed on December 28, 2010 as indicated in Exhibit B. The project has been constructed as provided in the plans and specifications adopted.
7. Completion of this local improvement core work fulfills all NE 109th Avenue abutting frontage improvement requirements from NE Marx Street to the NE Deering Drive right-of-way for which a waiver of remonstrance against formation of a local improvement district would be required in lieu of constructing required frontage improvements under a permit. However, completion of this project does not fulfill any similar such abutting frontage improvement requirements for NE Marx Street from NE 105th Avenue to NE 112th Avenue, which was not within the scope of this local improvement district. Completion of this project also does not fulfill any similar such abutting frontage improvement requirements for NE 112th Avenue from NE Marx Street to the NE Deering Drive right-of-way, which was also not within the scope of this local improvement district.

8. The total cost of the project is \$1,281,388.47 as shown in Exhibit C based on items of work as shown in Exhibit D. The property owners' share for this project is \$1,137,472.25. Additional funding was provided by the Portland Bureau of Transportation in the amount of \$143,916.22 for absorption of overhead costs.
9. The City Auditor mailed notice of the June 15, 2011 final assessment hearing to owners of benefited properties within the local improvement district on May 25, 2011. The benefited properties are legally described based on Multnomah County property tax records as of the filing date of this ordinance. Each property owner was notified of the time and location of the final assessment hearing conducted by the Council; the total project costs, the deadline and procedure for filing objections to the final assessment of the local improvement district; and the amount of the proposed final assessment on benefited properties as set for in Exhibit E (attached to the original only). The deadline to file objections to final assessment was at 5:00 PM on June 8, 2011.
10. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibits A and E.
11. The Local Improvement District Administrator submitted for publication two notices of the local improvement district final assessment hearing in the Daily Journal of Commerce on May 31, 2011 and on June 1, 2011.
12. The Council has considered any and all objections made by owners of benefited properties. The Council accepts the summary of objections and findings as set forth in Exhibit F and adopts these findings as its own.
13. This Ordinance provides for assessment of benefited properties for local improvements. Assessments for local improvements are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
14. In the event of any finding or any directive within this Ordinance conflicting with any prior Council action involving this local improvement district, the finding or directive within this Ordinance shall prevail.
15. The Local Improvement District Administrator's level of confidence in the cost estimate for this project is "High" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006 because the project is complete.

NOW, THEREFORE, the Council directs:

- a. That any and all objections received are overruled and the assessment roll contained in Exhibit E of this Ordinance is hereby approved and adopted.
- b. The City Auditor to enter the assessments as shown in Exhibit E in the Docket of City Liens.

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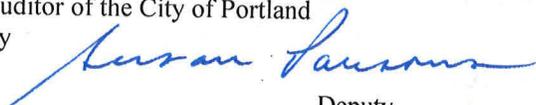
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- c. The City Auditor to mail final assessment notices to all owners of benefited properties as set forth in Exhibit E.

Passed by the Council, JUN 22 2011
Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: May 31, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland
By 
Deputy

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Agenda No.
ORDINANCE NO. 184691
Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS</p> <p>COMMISSIONER APPROVAL <i>[Signature]</i> Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i></p> <p>Prepared by: Andrew Aebi:slg Date Prepared: May 31, 2011 <i>AHA 6/02/11</i></p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>Council Meeting Date JUNE 15, 2011</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>JUN 10 2011</u></p> <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN: JUN 15 2011 PASSED TO SECOND READING JUN 22 2011 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 10 min (for presentation, testimony and discussion)</p>

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