

ORDINANCE No. 184123

Create a local improvement district to construct sidewalk and stormwater improvements in the SE Water Ave and Yamhill St Local Improvement District (Hearing; Ordinance; C-10038)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 36809 on August 11, 2010, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the SE Water Avenue & Yamhill Street Local Improvement District. The record related to the adoption of Resolution No. 36809 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36809 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 September 15, 2010 local improvement district formation hearing on August 25, 2010 to the owner of the benefited property within the proposed SE Water Avenue & Yamhill Street Local Improvement District. The benefited property is legally described based on Multnomah County property tax records as of the filing date of this Ordinance. The property owner was 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 SE Water Avenue & Yamhill Street Local Improvement District, the deadline and procedure for filing remonstrances against the formation of the SE Water Avenue & Yamhill Street Local Improvement District, and the amount of the estimated future assessment on benefited property as set forth in Exhibit A (attached to the original only). The deadline to submit written remonstrances was at 5:00 PM on September 8, 2010.
3. Notices of the local improvement district formation hearing were posted within the SE Water Avenue & Yamhill Street Local Improvement District on August 27, 2010.
4. The Local Improvement District Administrator submitted for publication notice of the September 15, 2010 local improvement district formation hearing in the Daily Journal of Commerce on September 1, 2010.
5. The improvements will be constructed on SE Water Avenue from the north right-of-way line of SE Yamhill Street to 100 feet south of the south right-of-way line of SE Belmont Street and on SE Yamhill Street from the east right-of-way line of SE Water Avenue to 100 feet west of the west right-of-way line of SE 1st Avenue, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer.

6. The general character and scope of the improvement is to widen the existing sidewalk on both frontages of the property at 61 SE Yamhill Street and add a curb extension to facilitate pedestrian crossings across SE Water Avenue from the northeast corner of the SE Water Avenue and Yamhill Street intersection; remove the existing dirt, gravel and/or hard surface of the street as necessary; grade the street to its proper subgrade; reconstruct an asphaltic concrete street with an aggregate base; and construct stormwater drainage facilities consisting of a curb extension with a stormwater treatment facility as shown in Exhibit B.
7. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
8. The boundaries of the SE Water Avenue & Yamhill Street Local Improvement District shall include the property as shown in Exhibit C.
9. The Local Improvement District Administrator's estimated cost of designing, constructing and financing the improvements is \$144,017.23 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 SE Water Avenue & Yamhill Street Local Improvement District is \$144,017.23.
11. The Local Improvement District Administrator has analyzed the financial feasibility of the SE Water Avenue & Yamhill Street 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 SE Water Avenue & Yamhill Street Local Improvement District is \$734,710 for a collective estimated assessment to valuation ratio of 5.1 : 1 as shown on Exhibit F.
12. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the SE Water Avenue & Yamhill Street Local Improvement District because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
13. The parcel of land within the SE Water Avenue & Yamhill Street Local Improvement District will receive special benefit from the project in the amount set forth in Exhibits A and F.

- 14. The Council has considered the remonstrances made by owners of property to be benefited by the SE Water Avenue & Yamhill Street Local Improvement District project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.
- 15. Assessments for local improvement districts are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
- 16. Pursuant to City Code, assessment for the SE Water Avenue & Yamhill Street Local Improvement District will be imposed by a separate and subsequent ordinance.

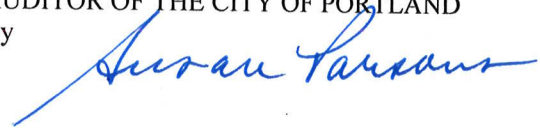
NOW, THEREFORE, the Council directs:

- a. The SE Water Avenue & Yamhill Street Local Improvement District is hereby created as shown in Exhibit C, and the SE Water Avenue & Yamhill Street Local Improvement District includes the property to be benefited in the amounts identified in Exhibits A and F.
- b. The property owner's 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 property shall be assessed on an abutting linear 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 SE Water Avenue & Yamhill Street 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 SE Water Avenue & Yamhill Street Local Improvement District project costs prior to bonding.

Passed by the Council, SEP 22 2010

Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: September 2, 2010

LaVonne Griffin-Valade
AUDITOR OF THE CITY OF PORTLAND
By



Deputy

~~12661274~~

Agenda No.
ORDINANCE NO. 184123
Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Blummann on behalf of Mayor Adams</i></p> <p>COMMISSIONER APPROVAL</p> <p>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><i>Justo Kiel</i> BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>Greg Jones</i></p> <p>Prepared by: Andrew Aebi:slg Date Prepared: August 30, 2010 <i>AAA 9/2/10</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 SEPTEMBER 8, 2010</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>SEP 10 2010</u></p> <p><i>LaVonne Griffin-Valade</i> LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN: SEP 15 2010 PASSED TO SECOND READING SEP 22 2010 9:30 A.M.</p>
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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	—	