

## **ORDINANCE No. 184190**

Assess benefited properties for street improvements in the NE 87th Ave and Columbia Blvd Local Improvement District (Hearing; Ordinance; C-10016)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NE 87th Avenue & Columbia Blvd. Local Improvement District by the passage of Resolution No. 36334 on September 7, 2005.
2. The Council approved formation of the NE 87th Avenue & Columbia Blvd. Local Improvement District by the passage of Ordinance No. 179663 on October 12, 2005. The assessment formula is on a trip volume basis. Abutting linear footage was not used because abutment does not accurately reflect special benefit to property; e.g., nonabutting properties have potential usage of the widened and realigned intersection. Size of lot was a factor in the derivation of trip volume, however square footage was not used as an assessment methodology because it does not allow for different ratios of potential building sizes to the size of the underlying lot, nor does it take into account the effect of proximity on trip volume for a particular lot. All properties participating in the NE 87th Avenue & Columbia Blvd. LID are also participating in the NE 92nd Drive LID, which was originally and unsuccessfully petitioned in April 2005 concurrent with the petitioning of this project but was successfully repitioned, leading the formation of the NE 92nd Drive LID in July 2007. The original apportionment of trips was based on a April 4, 2005 trip volume analysis (see Exhibit D of Resolution No. 36334).
3. The assessment worksheet is as shown in Exhibit A.
4. The record related to the adoption of Resolution No. 36334 and of Ordinance No. 179663 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36334 nor of Ordinance No. 179663 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 two construction contracts to Tri-State Construction with the acceptance of the Purchasing Report for Bid No. 104191 on March 15, 2006 for the first phase of construction and with the acceptance of the Purchasing Report for Bid No. 110861 on August 12, 2009 for the second phase of construction. The City entered into Contract No. 36514 on March 30, 2006 for the first phase of construction and entered into Contract No. 30000806 on August 28, 2009 for the second phase of construction.

6. The first phase of intersection improvements was substantially completed on January 17, 2008 and the second phase of intersection improvements was substantially completed on June 17, 2010 as indicated in Exhibit B. The project has been constructed as provided in the plans and specifications adopted in June 2009.
7. The Local Improvement District Administrator's level of cost estimates for this project is "High" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006 because the project is complete.
8. The total cost of the project is \$399,981.20 as shown in Exhibit C. The property owners' share for this project is \$363,046.24. Additional funding was provided by the Portland Bureau of Transportation in the amount of \$30,878.11 for absorption of overhead costs on NE 87th Avenue & Columbia Blvd. improvements and \$6,056.85 for standard concrete curb and concrete walk within the boundary of the NE 87th Avenue & Columbia Blvd. LID but paid for by the East Columbia to Lombard Connector project.
9. The City Auditor mailed notice of the October 20, 2010 final assessment hearing to owners of benefited properties within the local improvement district on September 15, 2010. 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 forth in Exhibit D (attached to the original only). The deadline to file objections to final assessment was at 5:00 PM on October 13, 2010.
10. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibits A and D.
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 October 5, 2010 and on October 6, 2010.
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 E 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.

NOW, THEREFORE, the Council directs:

- a. That any and all objections received are overruled and the assessment roll contained in Exhibit D of this Ordinance is hereby approved and adopted.
- b. The City Auditor to enter the assessments as shown in Exhibit D in the Docket of City Liens.
- c. The City Auditor to mail final assessment notices to all owners of benefited properties as set forth in Exhibit D.
- d. The City Auditor to segregate assessments in the future on a square footage basis as necessary due to the replatting of taxlots.

Passed by the Council, OCT 27 2010

Mayor Sam Adams

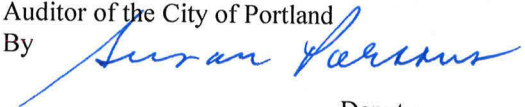
Prepared by: Andrew Aebi:slg

Date Prepared: October 11, 2010

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By



Deputy

1369-1406

Agenda No. **184190**  
**ORDINANCE NO.**  
 Title

Assess benefited properties for street improvements in the NE 87th Ave and Columbia Blvd Local Improvement District (Hearing; Ordinance; C-10016)

<p><b>INTRODUCED BY</b>          Commissioner/Auditor:  <i>K. Griffin-Valade on behalf of Mayor Adams</i>  <b>MAYOR SAM ADAMS</b>  <b>COMMISSIONER APPROVAL</b></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><b>BUREAU APPROVAL</b>          Bureau: Bureau of Transportation          Group Manager: Greg Jones          Development &amp; Capital Program          Other: <i>Adams</i>          Prepared by: Andrew Aebi:slg          Date Prepared: 10-5-10 <i>AAA 10/11/10</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          OCTOBER 20, 2010</p> <p><b>City Attorney Approval</b></p>	<p>CLERK USE: DATE FILED <u><b>OCT 15 2010</b></u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p><b>ACTION TAKEN:</b>  <b>OCT 20 2010 PASSED TO SECOND READING OCT 27 2010 9:30 A.M.</b></p>
---	---

<p><b>AGENDA</b> <span style="float: right;">1 of 2</span></p>
<p><b>TIME CERTAIN</b>          Start time: _____</p> <p><b>Total amount of time needed:</b> _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input checked="" type="checkbox"/>  <b>Total amount of time needed:</b> <u>10min</u>          (for presentation, testimony and discussion)</p>

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