

ORDINANCE No. 185658

Assess benefited properties for 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 stated its intent to construct improvements in the SE Water Avenue & Yamhill Street Local Improvement District (LID) by the passage of Resolution No. 36809 on August 11, 2010 at which time it declared its intent to initiate local improvement district formation proceedings and established the name of the local improvement district.
2. The Council approved formation of the SE Water Avenue & Yamhill Street Local Improvement District by the passage of Ordinance No. 184123 on September 22, 2010.
3. The assessment formula is on an abutting linear footage basis, with an estimated rate at LID formation of \$720.09 per assessable abutting linear foot and an actual rate of \$712.03 per assessable abutting linear foot at final assessment. The assessment worksheet is as shown in Exhibit A.
4. The record related to the adoption of Resolution No. 36809 and of Ordinance No. 184123 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36809 nor of Ordinance No. 184123 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 Chief Procurement Officer awarded the construction contract to R & R Construction with the acceptance of the Procurement Report for Bid No. 112945 under authority delegated by the Council. The City subsequently entered into Contract No. 30002118 with R & R Construction.
6. The 400 centerline feet of sidewalk and stormwater improvements were substantially completed on November 10, 2011 as indicated in Exhibit B. The project has been constructed as provided in the plans and specifications adopted.
7. Completion of this local improvement fulfills all SE Water Avenue abutting frontage improvement requirements from SE Yamhill Street to 100 feet south of SE Belmont Street 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.

8. Completion of this local improvement also fulfills all SE Yamhill Street abutting frontage improvement requirements from SE Water Avenue to 100 feet west of SE 1st Avenue 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.
9. The total cost of the project is \$142,405.47 as shown in Exhibit C based on items of work as shown in Exhibit D. The property owners' share for this project is \$142,405.47.
10. The City Auditor mailed notice of the September 26, 2012 final assessment hearing to owners of benefited properties within the local improvement district on September 5, 2012. 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 September 19, 2012.
11. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibits A and E.
12. 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 September 11, 2012 and on September 12, 2012.
13. 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.
14. 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.
15. 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.
16. 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.

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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.
- 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,

Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: September 10, 2012

OCT 03 2012

LaVonne Griffin-Valade
Auditor of the City of Portland
By


Deputy

~~1100~~ 1111⁴⁰

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Agenda No.
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Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Milmann on behalf of Mayor Adams</i>	CLERK USE: DATE FILED <u>SEP 21 2012</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
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 <i>BAH</i> Development & Capital Program Other:	
Prepared by: Andrew Aebi:slg <i>AA</i> Date Prepared: 9-10-12 <i>AHA 9/13/12</i>	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date SEPTEMBER 26, 2012	
City Attorney Approval	
	ACTION TAKEN: SEP 26 2012 PASSED TO SECOND READING OCT 03 2012 9:30 A.M.

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 MIN (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	