

## **ORDINANCE No. 185693**

Assess benefited properties for sanitary sewer improvements in the Deltawood Phase II Local Improvement District (Hearing; Ordinance; C-10032)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the Deltawood Phase II Local Improvement District (LID) by the passage of Resolution No. 36660 on December 17, 2008 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 Deltawood Phase II Local Improvement District by the passage of Ordinance No. 182543 on February 18, 2009.
3. The assessment formula is on a square footage basis. Since LID formation the Bureau of Environmental Services has elected to assess properties on maximum cost basis irrespective of lot size, which equates to a lower cost per square foot for all assessable properties versus the initial estimates at LID formation. The assessment worksheet is as shown in Exhibit A.
4. The record related to the adoption of Resolution No. 36660 and of Ordinance No. 182543 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36660 nor of Ordinance No. 182543 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 Canby Excavation, Inc. with the acceptance of the Procurement Report for Bid No. 112240 on December 15, 2010. The City subsequently entered into Contract No. 30001846 with Canby Excavation, Inc. on January 5, 2011.
6. The sanitary sewer improvements were accepted as complete on January 10, 2012 as indicated in Exhibit B. The sanitary sewer improvements were constructed under the same construction contract as the water main improvements funded by the Deltawood Phase I LID for efficiency and to minimize disruptions to property owners. The project has been constructed as provided in the plans and specifications adopted.
7. The total cost of the project is \$540,127.11 as shown in Exhibit C based on items of work as shown in Exhibit D (which also includes construction costs for the Deltawood Phase I LID for water main improvements). The property owners' share for this project is \$203,448.00 which was capped and guaranteed to a reduced amount by the Bureau of Environmental Services at LID formation from the previous amount of \$311,817.36. Additional funding was provided by the Bureau of Environmental Services in the amount of \$336,679.11 for project costs in excess of the property owners' share.

8. The Council approved Ordinance No. 185533 on August 1, 2012 authorizing the Bureau of Environmental Services to offer loans and deferrals for assessments imposed by this Ordinance.
9. The City Auditor mailed notice of the October 10, 2012 final assessment hearing to owners of benefited properties within the local improvement district on September 19, 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 October 3, 2012.
10. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibits A and E. Written notification has not yet been made by the Bureau of Environmental Services requiring property owners to connect to the new public sanitary sewer system, which is currently in its final stages of service. Once this notification is made, property owners will have six months in which to connect to new public sanitary sewer system after which time the private sanitary sewer system will no longer be in service. Once this occurs, the existing private manhole and two mainline sewers currently bisecting the vacant property east of 9521 NE Gertz Circle (identified with pending lien #146153 as identified in Exhibits A and E) can be privately removed and this property will receive special benefit from the Deltawood Phase II LID project.
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 September 24, 2012 and on September 25, 2012.
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.
16. NE Gertz Court and NE Gertz Circle remain private streets and have not been accepted for maintenance by the Bureau of Transportation.

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,  
Dan Saltzman  
Commissioner of Public Affairs

OCT 24 2012

Matt Hickey/Andrew Aebi  
September 18, 2012  
E08888

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

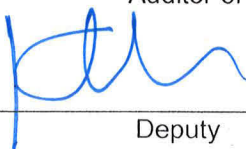



Deputy

~~1132~~ - 1200<sup>14b</sup>

Agenda No.  
**ORDINANCE NO. 185693**  
Title

Assess benefited properties for sanitary sewer improvements in the Deltawood Phase II Local Improvement District (Hearing; Ordinance; C-10032)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER DAN SALTZMAN</b>	CLERK USE: DATE FILED <u>OCT 05 2012</u>
<b>COMMISSIONER APPROVAL</b>	LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	By:  Deputy
Position 1/Utilities - Fritz	<b>ACTION TAKEN:</b> <b>OCT 10 2012 PASSED TO SECOND READING OCT 24 2012 9:30 A.M.</b>
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
<b>BUREAU APPROVAL</b>	
Bureau: Environmental Services Bureau Head: Dean Marriott	
Prepared by: Andrew Aebi Date Prepared: 9/19/12	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 <b>October 10, 2012 9:30 AM TC</b>	
City Attorney Approval 	

<b>AGENDA</b>
<b>TIME CERTAIN</b> ✓ Start time: 9:30 AM
Total amount of time needed: 15 min. (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: (for presentation, testimony and discussion)

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