

ORDINANCE No. 188165 As Amended

Create a local improvement district to construct park improvements in the Portland Open Space Sequence Local Improvement District in partnership with the Halprin Landscape Conservancy (Hearing; Ordinance; C-10054)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37245 on November 2, 2016 with 71.4% petition support, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the Portland Open Space Sequence Local Improvement District. In the event of any finding, directive or exhibit within this Ordinance conflicting with Resolution No. 37245 involving this local improvement district, the finding, directive or exhibit within this Ordinance shall prevail.
2. The Council adopted Ordinance No. 188068 on November 2, 2016 that approved findings to authorize an exemption to the competitive bidding requirements and authorize the alternative contracting method of Construction Manager/General Contractor ("CM/GC"); and authorized payment for construction related to the Portland Open Space Sequence Restoration Project.
3. The record related to the adoption of Resolution No. 37245 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37245 nor of Exhibit F of this Ordinance shall be considered a remonstrance for purposes of Section 17.08.070 of City Code nor for purposes of Section 9-403 of the City Charter.
4. The City Auditor mailed notice of the December 7, 2016 local improvement district formation hearing on November 16, 2016 to the owners of the benefited properties within the proposed Portland Open Space Sequence Local Improvement District. The property owners were 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 Portland Open Space Sequence Local Improvement District, the deadline and procedure for filing a remonstrance against the formation of the Portland Open Space Sequence Local Improvement District, and the amount of the estimated future assessment on benefited properties as set forth in Exhibit A (attached to the original only). The deadline to submit a written remonstrance was at 5:00 PM on November 30, 2016. The local improvement district formation hearing was continued to December 14, 2016.
5. Notices of the local improvement district formation hearing were posted within the Portland Open Space Sequence Local Improvement District on November 22, 2016.

6. The Local Improvement District Administrator published notice of the December 7, 2016 local improvement district formation hearing in the Daily Journal of Commerce on November 21 and November 23, 2016.
7. The park improvements will be constructed to the parks and portions of the SW 2nd Avenue and SW 3rd Avenue rights-of-way between SW Clay Street and SW Lincoln Street plus any transition work on abutting street segments, intersections, and/or adjacent properties determined to be necessary by the City Engineer.
8. The general character and scope of the improvement to the Ira Keller Forecourt Fountain, to Pettygrove Park, to the Lovejoy Fountain, and to the Source Fountain is to construct a variety of site and fountain improvements, including: fountain mechanical renovations, concrete and masonry restoration, replacement of lighting and electrical components and electrical conduits embedded within concrete walls and fountain structures, Americans with Disabilities Act (ADA) improvements to remove trip hazards and add handrails, and stormwater improvements.
9. The boundaries of the Portland Open Space Sequence Local Improvement District shall include the properties as shown in Exhibit B.
10. The Local Improvement District Administrator's estimated cost of designing, constructing and financing the improvements is \$3,850,000 as shown in Exhibit C. The Local Improvement District Administrator's estimate is based on the Engineer's Estimate as contained in Exhibit D. 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 Portland Open Space Sequence Local Improvement District is \$2,150,000. The General Fund will contribute funding currently estimated at \$1,700,000.
11. The Local Improvement District Administrator has analyzed the financial feasibility of the Portland Open Space Sequence 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.
12. The remonstrance level is evaluated in Exhibit E. Council retains jurisdiction over the formation of the Portland Open Space Sequence Local Improvement District because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter. The parcels of land within the Portland Open Space Sequence Local Improvement District will receive special benefit from the project in the amounts set forth in Exhibit E.
13. The Council has considered the remonstrances made by owners of properties to be benefited by the Portland Open Space Sequence Local Improvement District project, and adopts the summary of remonstrances and findings as set forth in Exhibit F.

14. Assessments for local improvement districts are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
15. Pursuant to City Code, assessment for the Portland Open Space Sequence Local Improvement District will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- a. The Portland Open Space Sequence Local Improvement District (LID) is hereby created as shown in Exhibit B and the Portland Open Space Sequence Local Improvement District includes the properties identified in Exhibits A and E.
- b. The properties owners' estimated share of costs is as shown in Exhibit C. 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 properties shall be assessed on an equal shares basis in \$100 increments with 21,500 equal shares.
- d. Portland Parks & Recreation shall prepare plans and specifications for the improvement.
- e. Portland Parks & Recreation 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 process, per Ordinance No. 188068 approved by Council on November 2, 2016. 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 Portland Open Space Sequence Local Improvement District project. The manner in which the improvements are constructed and the final scope of improvements is at the sole discretion of the Director of Portland Parks & Recreation.
- g. The City Auditor shall obtain interim financing to pay for Portland Open Space Sequence Local Improvement District project costs prior to bonding.
- h. Portland Parks & Recreation is authorized to incur expenditures for this project and the City Auditor is authorized to reimburse such expenditures from the Local Improvement District Fund.
- i. Section 17.08.070.c.1.b of City Code and Resolution No. 37205 approved by Council on April 20, 2016, otherwise applicable for street improvement projects, is waived.

- j. Section 17.08.080 of City Code is waived in the event that this Ordinance is amended on December 7, 2016 at its first reading to reflect LID funding of less than \$2,150,000. If this Ordinance is amended to reflect LID funding of less than \$2,150,000 then the Director of Portland Parks & Recreation is authorized to reduce the General Fund contribution proportionate to the LID funding reduction below \$2,150,000 and delete both mandatory and optional scope items as identified in Exhibit D as necessary to build the project within available resources.
- k. Section 17.08.080 of City Code is waived to the extent that optional scope item(s) are not constructed with an LID amount of \$2,150,000 or more, and the Director of Portland Parks & Recreation is authorized to delete optional scope items as identified in Exhibit D as necessary to build the project within available resources.
- l. The City Auditor is directed to create new pending lien records for properties which are not identified in Exhibit A, but which are within the LID boundary identified in Exhibit B, provided that the owner(s) of property or properties sign a LID petition with a new LID amount approved as to form by the City Attorney.
- m. The City Auditor is directed to modify existing pending lien records for properties which are identified in Exhibit A, and which are within the LID boundary identified in Exhibit B, provided that the owner(s) of property or properties sign a LID petition with an increased LID amount approved as to form by the City Attorney.
- n. The City Auditor to change the amount of pending lien no. 159823 from \$259,400 to \$312,500; the amount of pending lien no. 159830 from \$100,000 to zero; and create a new pending lien for 1600 SW Fourth Avenue in the amount of \$100,000.
- o. The City Auditor to create a new pending lien record for the property at 1700 SW Fourth Avenue in the amount of \$119,900.

Passed by the Council:

DEC 21 2016

Commissioner Amanda Fritz

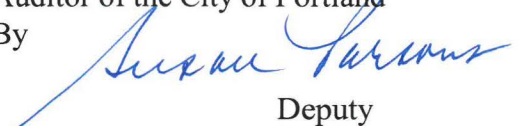
Prepared by: Andrew Aebi

Date Prepared: December 14, 2016

Mary Hull Caballero

Auditor of the City of Portland

By



Deputy

11/2/16

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Agenda No.
ORDINANCE NO. 188165 As Amended
Title

Create a local improvement district to construct park improvements in the Portland Open Space Sequence Local Improvement District in partnership with the Halprin Landscape Conservancy (Hearing; Ordinance; C-10054)

<p>INTRODUCED BY Commissioner/Auditor: Fritz</p>	<p>CLERK USE: DATE FILED <u>NOV 29 2016</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz <i>Am Fritz</i></p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Parks & Recreation Bureau Head: Mike Abbate <i>Mike Abbate</i></p> <p>Prepared by: Andrew Aebi Date Prepared: 11/17/16</p>	<p>ACTION TAKEN:</p> <p>DEC 07 2016 <i>Rescheduled to</i> DEC 14 2016 9:30 A.M.</p> <p style="text-align: center;">As Amended</p> <p>DEC 14 2016 PASSED TO SECOND READING DEC 21 2016 9:30 A.M.</p>
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>ck</i></p>	
<p>Council Meeting Date Dec 7, 2016</p>	

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	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	—	abstain
4. Novick	4. Novick	✓	
Hales	Hales	✓	