

ORDINANCE No. 188211

Create a local improvement district to construct street, sidewalk and stormwater improvements north of SW Luradel St in the SW 47th Ave Phase I Local Improvement District (Hearing; Ordinance; C-10055)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37250 on November 30, 2016, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the SW 47th Avenue Phase I Local Improvement District (LID). In the event any finding or any directive within this Ordinance conflicts with Resolution No. 37250 involving this LID, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37250 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37250 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.
3. The City Auditor mailed notice of the January 11, 2017 LID formation hearing on December 21, 2016 to the owners of the benefited properties within the proposed SW 47th Avenue Phase I LID. 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 SW 47th Avenue Phase I LID, the deadline and procedure for filing a remonstrance against the formation of the SW 47th Avenue Phase I LID, 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 January 4, 2017.
4. Notices of the LID formation hearing were posted within the SW 47th Avenue Phase I LID on December 20, 2016.
5. The LID Administrator published notice of the January 11, 2017 LID formation hearing in the Daily Journal of Commerce on December 21 and December 26, 2016.
6. The improvements will be constructed on SW 47th Avenue from the north right-of-way line of SW Luradel Street to 287 feet north plus any transition work on abutting street segments, intersections, and/or adjacent properties determined to be necessary by the City Engineer.

7. The general character and scope of the improvement is remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater drainage facilities including curb extensions; construct curb and as shown in Exhibit B. The project budget includes sidewalk on one side of the street.
8. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
9. The boundaries of the SW 47th Avenue Phase I LID shall include the properties as shown in Exhibit C.
10. The LID Administrator's estimated cost of designing, constructing and financing the improvements is \$635,036.13 as shown in Exhibit D, not including the cost of utility relocation that may be required at utilities' expense. The LID Administrator's estimate is based on the Engineer's Estimate as contained in Exhibit E. The LID 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 SW 47th Avenue Phase I LID is \$558,003.69. Additional funding is being provided by the Portland Bureau of Transportation (PBOT) in the amount of \$77,032.44 in funding for overhead costs.
11. The LID Administrator has analyzed the financial feasibility of the SW 47th Avenue Phase I LID and has made a finding that the collective bonding capacity of benefiting properties is sufficient so as to minimize the City's financial risk associated with this project.
12. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the SW 47th Avenue Phase I LID because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
13. The parcels of land within the SW 47th Avenue Phase I LID will receive special benefit from the project in the amounts set forth in Exhibits A and F.
14. The Council has considered the remonstrances made by owners of properties to be benefited by the SW 47th Avenue Phase I LID project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.
15. Passage of this Ordinance provides assurance of performance per Section 17.24.055 of City Code for required frontage improvements to SW 47th Avenue except that PBOT Development Review may require construction of new sidewalk since the LID will only build sidewalk on one side of the street; however reconstruction of sidewalk built by this LID will not be required.

16. Passage of this Ordinance does not provide assurance of performance for street, sidewalk and stormwater frontage improvements for properties' frontages abutting SW Barbur Blvd., or SW Luradel St.
17. Assessments for LIDs are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
18. Pursuant to City Code, assessment for the SW 47th Avenue Phase I LID will be imposed by a separate and subsequent ordinance.


NOW, THEREFORE, the Council directs:

- a. The SW 47th Avenue Phase I LID (LID) is hereby created as shown in Exhibit C and the SW 47th Avenue Phase I LID includes the properties to be benefited in the amounts identified in Exhibits A and F.
- b. Assurance of performance for properties identified in Exhibit A is provided upon Council passage of this Ordinance per Section 17.24.055 of City Code subject to the limitations of Finding No. 16 of this Ordinance.
- c. The properties owners' 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.
- d. The properties shall be assessed on an equivalent dwelling unit (EDU) basis.
- e. The City Engineer shall prepare plans and specifications for the improvement.
- f. The City Engineer shall arrange for construction of the local improvement project.
- g. 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 SW 47th Avenue Phase I LID project. The manner in which the improvements are constructed is at the sole discretion of the City Engineer.
- h. The City Auditor shall obtain interim financing to pay for SW 47th Avenue Phase I LID project costs prior to bonding.
- i. PBOT is authorized to incur expenditures for this project per Finding No. 10 and Exhibit D, and the City Auditor is authorized to reimburse such expenditures from the LID Fund.

- j. The LID Administrator is authorized to negotiate Extra Work Agreements to finance, design and construct frontage improvements for properties within the LID boundary for SW Barbur Blvd. and for SW Luradel St. in addition to SW 47th Avenue provided that:
- i. The City Engineer has determined the additional work to be technically feasible; and
 - ii. An Extra Work Agreement for property or properties abutting the additional improvement been approved as to form by the City Attorney.

Passed by the Council, JAN 25 2017

Mayor Ted Wheeler
Prepared by: Andrew Aebi:tlk
Date Prepared: December 13, 2016

Mary Hull Caballero
Auditor of the City of Portland
By 

Deputy

- ~~27~~ - ~~50~~ 84

✓140

Agenda No.
ORDINANCE NO. 188211
Title

Create a local improvement district to construct street, sidewalk and stormwater improvements north of SW Luradel St in the SW 47th Ave Phase I Local Improvement District (Hearing; Ordinance; C-10055)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: COMMISSIONER SALTZMAN</p>	<p>CLERK USE: DATE FILED <u>JAN 03 2017</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>Jan 03</i></p> <p>Position 4/Safety - <u>Eudaly</u></p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Transportation <i>Aug</i> Policy, Planning and Projects Manager: Art Pearce Director: Leah Treat <i>[Signature]</i></p> <p>Prepared by: Andrew Aebi:tk <i>AAA 12/24/16</i> Date Prepared: December 13, 2016 Supervisor: Dan Layden <i>[Signature]</i></p>	<p>ACTION TAKEN: JAN 11 2017 RESCHEDULED TO JAN 18, 2017 JAN 18 2017 PASSED TO SECOND READING JAN 25 2017 9:30 A.M.</p>
<p>Impact Statement 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 checked="" 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>GT</i></p>	
<p>Council Meeting Date January 11, 2017</p>	

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input type="checkbox"/> Start time: <u>9:30</u> Total amount of time needed: <u>10 min.</u> (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/> Total amount of time needed: (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	✓	
4. Eudaly	4. Eudaly	✓	
Wheeler	Wheeler	✓	