

ORDINANCE No. 188283

Create a local improvement district to construct street improvements from NW 9th Ave to north of NW 19th Ave in the NW Front Ave – Naito Pkwy Local Improvement District (Hearing; Ordinance; C-10056)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37263 on January 25, 2017, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NW Front Avenue - Naito Parkway Local Improvement District (LID). In the event any finding or any directive within this Ordinance conflicts with Resolution No. 37263 involving this LID, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37263 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37263 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 Northwest District Neighborhood Association submitted testimony in the record of Resolution No. 37263 requesting infill sidewalk construction, which is not within the scope of this proposed LID. However, the owner of the property proposed for assessment by this LID confirmed on January 13, 2017 that sidewalk built along the frontage of 2035 NW Front Avenue will be extended south to NW 15th Avenue along the property with State ID #1N1E28DD 2200 currently owned by Burlington Northern Santa Fe Railroad property. The value of this sidewalk infill is estimated at \$700,000 and is not included in the amounts contained in Finding No. 11 of this Ordinance.
4. The City Auditor mailed notice of the March 8, 2017 LID formation hearing on February 15, 2017 to the owner of the benefited property within the proposed NW Front Avenue - Naito Parkway LID. The property owner was 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 NW Front Avenue - Naito Parkway LID, the deadline and procedure for filing a remonstrance against the formation of the NW Front Avenue - Naito Parkway LID, and the amount of the estimated future assessment on benefited property as set forth in Exhibit A (attached to the original only). The deadline to submit a written remonstrance was at 5:00 PM on March 1, 2017.
5. Notices of the LID formation hearing were posted within the NW Front Avenue - Naito Parkway LID on February 17, 2017.
6. The LID Administrator published notice of the January 11, 2017 LID formation hearing in the Daily Journal of Commerce on February 17 and on February 22, 2017.

7. The improvements will be constructed on NW Front Avenue and NW Naito Parkway from the north right-of-way line of NW 9th Avenue to the north property line of 2220 NW Front Avenue 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 LID is to restripe the roadway to include one travel lane in each direction and on-street bike lanes between NW 9th Avenue and the north property line of 2220 NW Front Avenue as shown in Exhibit B. To facilitate this change in cross-section, the scope will also include a grind and inlay of the pavement; modification of the traffic signals at NW 9th Avenue, NW 15th Avenue, and NW 17th Avenue to reflect the new cross-section; reconstruction of eight (8) pedestrian ramps to current ADA standards; and permanent striping.
9. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
10. The boundaries of the NW Front Avenue - Naito Parkway LID shall include the property as shown in Exhibit C.
11. The LID Administrator's estimated cost of designing, constructing and financing the improvements is \$2,608,417 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 NW Front Avenue - Naito Parkway LID is \$1,108,417 which will be eligible for system development charge (SDC) credits. Additional funding is being provided by the Portland Bureau of Transportation (PBOT) in the maximum amount of \$1,500,000 for pavement preservation.
12. The LID Administrator has analyzed the financial feasibility of the NW Front Avenue - Naito Parkway LID and has made a finding that the collective bonding capacity of benefiting property is sufficient so as to minimize the City's financial risk associated with this project.
13. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the NW Front Avenue - Naito Parkway LID because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
14. The parcel of land within the NW Front Avenue - Naito Parkway LID will receive special benefit from the project in the amounts set forth in Exhibits A and F.

15. The Council has considered the remonstrances made by the owner of property to be benefited by the NW Front Avenue - Naito Parkway LID project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.
16. The memorandum attached as Exhibit H of this Ordinance was distributed to City Council members on January 31, 2017. Council passage of this Ordinance will provide geographic balance to the City's planned major pavement rehabilitation projects. Thirteen (13) other major pavement rehabilitation projects were previously planned for North, Northeast, Southeast and Southwest Portland, with this fourteenth project being the only planned major pavement preservation project planned for Northwest Portland.
17. Passage of this Ordinance provides assurance of performance per Section 17.24.055 of City Code for striping improvements to NW Front Avenue.
18. Passage of this Ordinance does not provide assurance of performance for street, sidewalk and stormwater frontage improvements for property frontages abutting NW Front Avenue or NW 17th Avenue.
19. Assessments for LIDs are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
20. Pursuant to City Code, assessment for the NW Front Avenue - Naito Parkway LID will be imposed by a separate and subsequent ordinance.
21. Per Finding No. 11 of this Ordinance, passage of this Ordinance and developer execution of a system development charge (SDC) deferral contract will provide assurance of performance for system development charge (SDC) payments related to permit / case number 16-107-451-CO in the amount of \$622,985.24 and for permit / case number 16-107495-CO in the amount of \$485,431.76 for total SDC charges of \$1,108.417.

NOW, THEREFORE, the Council directs:

- a. The NW Front Avenue - Naito Parkway LID (LID) is hereby created as shown in Exhibit C and the NW Front Avenue - Naito Parkway LID includes the property to be benefited in the amounts identified in Exhibits A and F.
- b. Assurance of performance for property 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 property owner's 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.

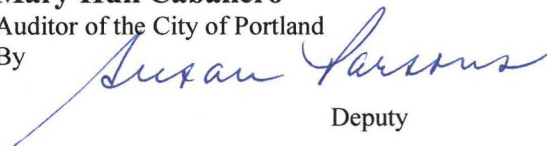
- d. The property shall be assessed on a square footage basis.
- e. The City Engineer shall prepare plans and specifications for the improvement.
- f. The City Engineer shall arrange for construction of the local improvement project.
- g. Procurement Services within the Bureau of Internal Business Services 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 NW Front Avenue - Naito Parkway 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 NW Front Avenue - Naito Parkway 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 property within the LID boundary for NW Front Avenue and for NW 17th 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.
- k. Per Finding No. 3 of this Ordinance, PBOT staff are directed to explore adding a NW Naito Parkway – Front Avenue corridor improvement project including sidewalk infill to the Transportation System Development Charge (TSDC) eligible project list. This will be done during the upcoming TSDC program update process, with the decision on whether to actually add such a project to the TSDC eligible project list at the sole discretion of the City Council as may be approved under a separate and subsequent Ordinance.
- l. Per Finding No. 21 of this Ordinance, the Portland Bureau of Transportation is directed to automatically renew the executed SDC deferral contract every 12 months until final assessment for this LID has been imposed by a separate and subsequent Ordinance.

- m. Per Finding No. 21 of this Ordinance, the Portland Bureau of Transportation is directed to begin charging deferral interest on the SDC deferral contract as of the date of the final assessment for this LID. No interest shall be charged on the SDC deferral contract from the date of contract execution to the date of final assessment of this LID by a separate and subsequent Ordinance.

Passed by the Council, MAR 16 2017

Commissioner Dan Saltzman
Prepared by: Andrew Aebi:tlk
Date Prepared: February 16, 2017

Mary Hull Caballero
Auditor of the City of Portland
By



Deputy

Agenda No. **188283**
ORDINANCE No.
 Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER Dan Saltzman	CLERK USE: DATE FILED FEB 28 2017
COMMISSIONER APPROVAL Mayor—Finance and Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Jan 24</i> Position 4/Safety – Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>[Signature]</i> Deputy
BUREAU APPROVAL Bureau: Transportation Policy, Planning & Projects Group Manager: Art Pearce Director: Leah Treat <i>Amf 2/10/17</i> Prepared by: Andrew Aebi: tick Date Prepared: February 9, 2017 Supervisor: Millicent Williams <i>2/10/17</i>	ACTION TAKEN: MAR 08 2017 PASSED TO SECOND READING MAR 15 2017 <i>Rescheduled to</i> MAR 16 2017 2 P.M. MAR 15 2017 9:30 A.M.
Impact 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"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date March 8, 2017	

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: 10 min. (for presentation, testimony and discussion)

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	✓	