

ORDINANCE No. 188494 As Amended

Create a local improvement district to construct street, sidewalk and stormwater improvements in the N Burlington Ave and Edison St Local Improvement District (Hearing; Ordinance; C-10057)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37281 on May 3, 2017, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the North Burlington Avenue & Edison Street Local Improvement District (LID). In the event any finding or any directive within this Ordinance conflicts with Resolution No. 37281 involving this LID, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37281 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37281 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 June 7, 2017 LID formation hearing on May 10, 2017 to the owner of the benefited properties within the proposed North Burlington Avenue & Edison Street 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 North Burlington Avenue & Edison Street LID, the deadline and procedure for filing a remonstrance against the formation of the North Burlington Avenue & Edison Street LID, and the amount of the estimated future assessment on benefited properties as set forth in Exhibit A. The deadline to submit a written remonstrance was at 5:00 PM on May 31, 2017.
4. Notices of the LID formation hearing were posted within the North Burlington Avenue & Edison Street LID on May 16, 2017.
5. The LID Administrator published notice of the June 7, 2017 LID formation hearing in the Daily Journal of Commerce on May 15 and on May 17, 2017.
6. The general character and scope of the North Burlington Avenue improvement is to reconstruct curbs and sidewalk and plant street trees on the east side of the street; and the general character and scope of the North Edison Street improvement is to 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; construct and

- reconstruct curbs on both sides of the street, and construct sidewalk and plant street trees on the south side of the street as shown in Exhibit B.
7. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
 8. The improvements will be constructed on the west side of North Burlington Avenue from 106 feet north of the north right-of-way line of North Decatur Street to the south right-of-way line of North Edison Street; and street, sidewalk and stormwater improvements to North Edison Street from the east right-of-way line of North Burlington Avenue to 100 feet west of North Richmond Avenue, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer as shown in the map in Exhibit C.
 9. The boundaries of the North Burlington Avenue & Edison Street 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 \$1,655,634.99 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 North Burlington Avenue & Edison Street LID is \$1,500,610.58. Additional funding is being provided by the Portland Bureau of Transportation (PBOT) in the amount of \$155,024.41 for overhead costs.
 11. The LID Administrator has analyzed the financial feasibility of the North Burlington Avenue & Edison Street 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 North Burlington Avenue & Edison Street LID because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
 13. Each parcel of land within the North Burlington Avenue & Edison Street 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 the owner of properties to be benefited by the North Burlington Avenue & Edison Street 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 improvements to North Burlington Avenue from 106 feet north of the north right-of-way line of North Decatur Street to the south property line of North Edison Street.
16. Passage of this Ordinance provides assurance of performance per Section 17.24.055 of City Code for improvements to North Edison Street from the east property line of North Burlington Avenue to the west property line of North John Avenue, except for reconstruction of the north sidewalk.
17. Passage of this Ordinance does not provide assurance of performance for street, sidewalk and stormwater frontage improvements for property frontages abutting North Leavitt Avenue or North John Avenue.
18. Assessments for LIDs are not subject to the properties tax limitation established by Article XI, Section 11b of the Oregon Constitution.
19. Pursuant to City Code, assessment for the North Burlington Avenue & Edison Street LID will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- a. The North Burlington Avenue & Edison Street LID is hereby created as shown in Exhibit C and the North Burlington Avenue & Edison Street LID includes the properties to be benefited in the amounts identified in Exhibits A and F.
- b. Assurance of performance for properties identified in Exhibits A and H are provided upon Council passage of this Ordinance per Section 17.24.055 of City Code subject to the limitations of Finding No. 17 of this Ordinance.
- c. The properties 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 properties shall be assessed on a combination equivalent dwelling unit (EDU) square footage, and linear 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.

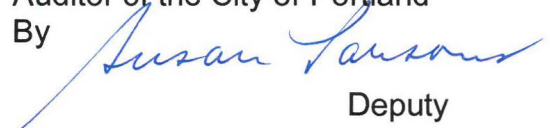
- g. Procurement Services within the Bureau of Internal Business Services shall advertise for bids, prepare a contract, and award the contract through a competitive bid process. The improvements may be constructed in whole or in part by the City of Portland, or the City of Portland may seek bids for any portion of the North Burlington Avenue & Edison Street 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 North Burlington Avenue & Edison Street 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 North Leavitt Avenue and for North John Avenue provided that:
 - i. The City Engineer has determined the additional work to be technically feasible; and
 - ii. An Extra Work Agreement for properties or properties abutting the additional improvement been approved as to form by the City Attorney.
- k. Speed bumps may be installed as part of this project and funded from project contingency id determined to be necessary by the City Traffic Engineer.

Passed by the Council, JUN 28 2017

Mayor Ted Wheeler
Prepared by: Andrew Aebi:smp
Date Prepared: June 8, 2017

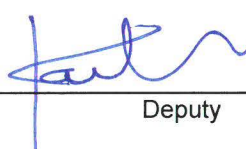
Mary Hull Caballero
Auditor of the City of Portland

By


Deputy

Agenda No. **188494** As Amended
ORDINANCE NO.
 Title

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| INTRODUCED BY Mayor/Auditor: MAYOR Ted Wheeler | CLERK USE: DATE FILED <u>MAY 30 2017</u> |
| MAYOR APPROVAL Mayor—Finance and Administration - Wheeler <i>W</i> | Mary Hull Caballero Auditor of the City of Portland By:  Deputy |
| Position 1/Utilities - Fritz | |
| Position 2/Works - Fish | |
| Position 3/Affairs - Saltzman | |
| Position 4/Safety – Eudaly | |
| BUREAU APPROVAL Bureau: Transportation <i>Ang</i> Policy, Planning & Projects Group Manager: Art Pearce Director: Leah Treat <i>LT</i> | ACTION TAKEN: JUN 07 2017 PASSED TO SECOND READING As Amended JUN 28 2017 |
| Prepared by: Andrew Aebi: smp Date Prepared: May 9, 2017 Supervisor: Millicent Williams <i>MW</i> | |
| 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 June 7, 2017 | |

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| AGENDA |
| TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:25</u> 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 <input checked="" type="checkbox"/> | |
| 2. Fish | 2. Fish <input checked="" type="checkbox"/> | |
| 3. Saltzman | 3. Saltzman <input type="checkbox"/> | |
| 4. Eudaly | 4. Eudaly <input checked="" type="checkbox"/> | |
| Wheeler | Wheeler <input type="checkbox"/> | |