

ORDINANCE No.

188514

Create a local improvement district to construct street, sidewalk and stormwater improvements in the NE 27th Ave and Holland St Local Improvement District (Hearing; Ordinance; C-10059)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37286 on May 24, 2017, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NE 27th Avenue & Holland Street Local Improvement District (LID). In the event any finding or any directive within this Ordinance conflicts with Resolution No. 37286 involving this LID, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37286 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37286 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 July 5, 2017 LID formation hearing on June 14, 2017 to the owner of the benefited properties within the proposed NE 27th Avenue & Holland 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 NE 27th Avenue & Holland Street LID, the deadline and procedure for filing a remonstrance against the formation of the NE 27th Avenue & Holland 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 June 28, 2017.
4. Notices of the LID formation hearing were posted within the NE 27th Avenue & Holland Street LID on June 20, 2017.
5. The LID Administrator published notice of the June 7, 2017 LID formation hearing in the Daily Journal of Commerce on June 19 and on June 21, 2017.
6. The general character and scope of the improvement is to widen the street, provide a grind of the existing asphalt concrete pavement and construct an overlay; construct stormwater drainage facilities; reconstruct curb and sidewalk on both sides 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 NE 27th Avenue improvements will be constructed from the south right-of-way line of NE Columbia Blvd. to the south right-of-way line of NE Holland Street except for half-street improvements on the west side of NE 27th Avenue opposite the NE 27th Avenue frontage of 2706 NE Columbia Blvd., 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 NE Holland Street improvements will be constructed from the east right-of-way line of NE 27th Avenue to 25 feet east right-of-way line of NE 27th 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. Due to an existing water main, it may be necessary to extend these improvements to approximately 52 feet of the east right-of-way line of NE 27th Avenue, which will not require a hearing under Section 17.08.080 of City Code.
10. The boundaries of the NE 27th Avenue & Holland Street LID shall include the properties as shown in Exhibit C.
11. The LID Administrator's estimated cost of designing, constructing and financing the improvements is \$749,549.86 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 NE 27th Avenue & Holland Street LID is \$650,172.07. Additional funding is being provided by the Portland Bureau of Transportation (PBOT) in the amount of \$99,377.79 for overhead costs.
12. The LID Administrator has analyzed the financial feasibility of the NE 27th Avenue & Holland 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.
13. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the NE 27th Avenue & Holland Street 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 NE 27th Avenue & Holland Street 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 properties to be benefited by the NE 27th Avenue & Holland Street LID project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.

16. Passage of this Ordinance provides assurance of performance per Section 17.24.055 of City Code for improvements to NE 27th Avenue and the westerly portion of NE Holland Street.
17. Passage of this Ordinance does not provide assurance of performance for street, sidewalk and stormwater frontage improvements for the NE 27th Avenue frontage of the 2706 NE Columbia Blvd. property, nor for the NE Columbia Blvd. frontage of any property.
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 NE 27th Avenue & Holland Street LID will be imposed by a separate and subsequent ordinance.
20. A taxlot consolidation may occur in which all properties identified in Exhibit A of this Ordinance may have future frontage and legal access along NE 27th Avenue, rendering the easterly portion of NE Holland Street to effectively function as a private driveway or private street serving a single property owner.

NOW, THEREFORE, the Council directs:

- a. The NE 27th Avenue & Holland Street LID is hereby created as shown in Exhibit C and the NE 27th Avenue & Holland 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 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. 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 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, and may be combined with construction of the nearly previously-formed NE 47th Avenue Phase I LID to minimize NE Columbia Blvd. traffic disruption.

- 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 NE 27th Avenue & Holland Street LID project. The manner in which the improvements are constructed, including directive 'f' of this Ordinance, is at the sole discretion of the City Engineer.
- h. The City Auditor shall obtain interim financing to pay for NE 27th Avenue & Holland Street LID project costs prior to bonding.
- i. PBOT is authorized to incur expenditures for this project per Finding No. 11 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 NE 27th Avenue, NE Columbia Blvd. or the easterly portion of NE Holland Street beyond the project limit identified in Finding No. 9 of this Ordinance without a hearing per Section 17.08.080 of City Code 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. PBOT is authorized to expend project contingency to fund a street vacation of the easterly portion of NE Holland Street not improved by this LID. The expense of this street vacation will be spread proportionally to properties receiving vacated street area in lieu of to all properties in the LID.

- I. If a street vacation is not approved for NE Holland Street in advance of Council approval of a separate and subsequent Ordinance imposing assessments for this LID, then the costs of improving the easterly portion of NE Holland Street beyond the project limits of this LID will be borne solely by abutting property or properties not financially participating in this LID. The additional improvements to NE Holland Street can either be constructed under a permit job, under a separate and subsequent LID, or per Directive 'j' of this LID.

Passed by the Council, JUL 12 2017

Mayor Ted Wheeler

Prepared by: Andrew Aebi:smp

Date Prepared: June 6, 2017

Mary Hull Caballero

Auditor of the City of Portland

By

Gayla Jennings

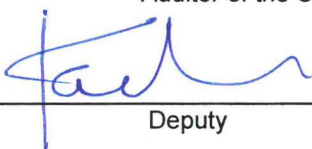
Deputy

776 806

Agenda No.
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 Title

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INTRODUCED BY Saltzman	CLERK USE: DATE FILED <u>JUN 27 2017</u>
MAYOR APPROVAL Mayor—Finance and Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: Transportation Policy, Planning & Projects Group Manager: Art Pearce Director: Leah Treat Prepared by: Andrew Aebi: smp Date Prepared: June 6, 2017 Supervisor: Millicent Williams	ACTION TAKEN: JUL 05 2017 PASSED TO SECOND READING JUL 12 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 July 5, 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: 5 min. (for presentation, testimony and discussion)

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