

## RESOLUTION No. 37351

Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk, stormwater, and sanitary sewer improvements in the NE 55th-57th Aves and Killingsworth St Local Improvement District (Resolution; C-10062)

WHEREAS, NE 57th Avenue between NE Killingsworth Street and NE Emerson Street is an unpaved street in the Cully Association of Neighbors (hereafter "Cully") neighborhood association area; and

WHEREAS, the current poor condition of NE 57th Avenue is partially attributable to it being the only north-south connection from NE Killingsworth Street to NE Alberta Street between NE 52nd Avenue and NE 60th Avenue, and this project provides the opportunity for calming of existing cut-through traffic by building new curbs to channel traffic currently traversing a maximum 60-foot wide right-of-way into a narrower physical area and to potentially build speed bumps if approved by the City Traffic Engineer; and

WHEREAS, the grade of NE 57th Avenue and unmanaged stormwater runoff adversely affects properties and existing structures, which will be rectified by this project; and

WHEREAS, the south side of NE Killingsworth Street west of NE 57th Avenue currently lacks sidewalks to provide pedestrian access to frequent service line #72 Killingsworth-82nd Avenue, which has the second-highest ridership of any bus line in the Portland metropolitan area; and

WHEREAS, currently-impassable NE 55th Avenue provides an opportunity to build not one but two new needed north-south street connections in Cully; and

WHEREAS, the Habitat for Humanity is building street, sidewalk and stormwater improvements along the frontage of its currently vacant lot addressed as 5640 NE Killingsworth Street, which requires a sanitary sewer extension to serve this property; and

WHEREAS, the Trinity Lutheran Church and School wishes to collaborate with the Portland Bureau of Transportation in cooperatively dedicating the necessary right-of-way to provide full street, sidewalk and stormwater improvements to NE 55th Avenue to avoid their private property being used by the public to traverse the current two dead-ends of NE Emerson Street and NE 55th Avenue; and

WHEREAS, the Local Improvement District Administrator has received complaints about NE 57th Avenue since September 4, 2012, which long predates the current Habitat for Humanity development, and concerns about the current condition of the street have been received from owners of property at 5708 NE Killingsworth Street, 5711 NE Emerson Street, 5305 NE 57th Avenue and 5285 NE 57th Avenue; and

WHEREAS, Cully's proportion of unpaved streets as of June 30, 2017 at 9.3% was over three times the Citywide average of 2.8% of streets within the Portland city limits being unpaved as of June 30, 2017;

WHEREAS, deficient street, stormwater and sidewalk infrastructure in this neighborhood results in disparate impacts, as Cully's demographic profile in 2010 included an African-American population of 16% of its residents and a Hispanic population of 21% of its residents versus Citywide averages of 6% and 9%, respectively; and

WHEREAS, the planned improvements will improve pedestrian and bicycle access to nearby Rigler Elementary School and to nearby Khunamokwst Park; and

WHEREAS, this project will be partially funded with PBOT TSDC revenue per Cully Neighborhood Streets TSDC Project 10014.2; and

WHEREAS, local improvement district formation proceedings are being initiated by Council prerogative per Section 17.08.040.A of City Code per the memorandum attached as Exhibit A; and

WHEREAS, a capital improvement program (CIP) project provides an opportunity for the owners of properties identified in Exhibit B to pool funds to be more cost-effectively used towards a completing the infrastructure gap on NE 55th and NE 57th Avenues by applying Transportation System Development Charge (TSDC) funding, significantly lowering both the costs of the LID to property owners, while rectifying severe deficiencies of inadequate infrastructure; and

WHEREAS, the Bureau of Transportation is the Responsible Bureau for the proposed improvement and recommends initiation of local improvement district formation proceedings; and

WHEREAS, the proposed project is located in the Central Neighbors Northeast neighborhood coalition (hereafter "CNN") area, and CNN was notified of this LID by the Local Improvement District Administrator on April 4, 2018; and

WHEREAS, the proposed project is located in the Cully, and Cully was notified of this LID by the Local Improvement District Administrator on April 4, 2018; and

NOW, THEREFORE, BE IT RESOLVED, that the general character and scope of the NE 55th Avenue 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 curbs and sidewalks on both sides of the street; plant street trees on both sides of the street; and

BE IT FURTHER RESOLVED, that the general character and scope of the NE 57th Avenue 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 curbs and sidewalks on both sides of the street; plant street trees on both sides of the street; and extend sanitary sewer to the north; and

BE IT FURTHER RESOLVED, that the general character and scope of the NE Killingsworth Street improvement is to reconstruct curbs and sidewalk and plant street trees on the south side of the street; and

BE IT FURTHER RESOLVED, that the Council declares the intent of the City to initiate local improvement district formation proceedings to construct street, sidewalk, stormwater and sanitary sewer improvements to NE 55th Avenue from the north right-of-way line of NE Emerson Street to 139 feet south of the north right-of-way line of NE Emerson Street; NE 57th Avenue from the south right-of-way line of NE Killingsworth Street to the north right-of-way line of NE Emerson Street, and to NE Killingsworth Street from 567 feet east of NE 52nd Avenue to the east right-of-way line of NE 57th Avenue, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer; and

BE IT FURTHER RESOLVED, that the local improvement district shall be known as the NE 55th and 57th Avenues & Killingsworth Street Local Improvement District and for purposes of the Local Improvement District Formation Hearing as set forth in Section 17.08.070 of City Code, the boundary shall be as shown in the map in Exhibit C; and

BE IT FURTHER RESOLVED, that the preliminary estimate of the cost of the improvements is \$1,495,262.03 and the Local Improvement District Administrator's level of confidence in the cost estimates for this project as of the filing date of this resolution is "Low" per Exhibit A of Resolution No. 36430 adopted by City Council on July 26, 2006 given that project specifications are preliminary; and

BE IT FURTHER RESOLVED, that the assessment methodology of the NE 55th-57th Avenues & Killingsworth Street Local Improvement District shall be on a zoned square footage basis with the LID providing funding of \$636,033.90 as shown in Exhibit B unless this assessment methodology is modified by City Council at the Local Improvement District Formation Hearing; and

BE IT FURTHER RESOLVED, that PBOT will provide direct funding of \$654,058.48 from Transportation System Development Charge (TSDC) revenue, House Bill 2017 funding of \$30,000.00 and overhead funding of \$175,169.65 for total funding of \$859,228.13; and

BE IT FURTHER RESOLVED, that PBOT will offer an LID assessment deferral temporarily funded from TSDC for not less than five years to residential properties whose owners own at least one owner-occupied property within the boundary of the NE 55th-57th Avenues & Killingsworth Street LID to be repaid when the deferral lien replacing the LID lien is paid; and

BE IT FURTHER RESOLVED, that the Council intends to construct the project; and

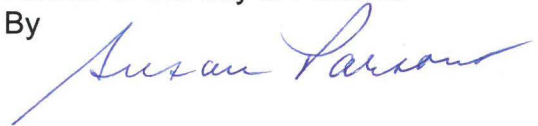
BE IT FURTHER RESOLVED, that the Council directs the Local Improvement District Administrator to initiate local improvement district formation proceedings as set forth in Section 17.08.070 of City Code and to schedule a Local Improvement District Formation Hearing on May 30, 2018 beginning at 9:30 AM or on the earliest practicable date thereafter.

BE IT FURTHER RESOLVED, the Council directs the City Engineer to design and construct the project avoiding the need to demolish and/or or relocate existing garages on the east side of NE 57th Avenue. Notwithstanding their current encroachment onto the public right-of-way, removal of these garages will not be required in conjunction with this project.

Adopted by the Council, APR 25 2018

Commissioner Dan Saltzman  
Prepared by: Andrew Aebi: SP  
Date Prepared: March 22, 2018

**Mary Hull Caballero**  
Auditor of the City of Portland  
By



Deputy



Agenda No.  
**RESOLUTION NO.**  
Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>Commissioner Dan Saltzman</b>	CLERK USE: DATE FILED <u>APR 17 2018</u>
<b>MAYOR APPROVAL</b> Mayor—Finance and Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Don Saltzman</i> Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By: <i>Karl</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: <b>Transportation</b> Policy, Planning & Projects Group Manager: <b>Art Pearce</b> <i>Art Pearce 3/22/18</i> Director: <b>Leah Treat</b> <i>Leah Treat 3/22/18</i> Prepared by: Andrew Aebi: <i>AAA 3/27/18</i> Date Prepared: March 22, 2018 Supervisor: Millicent Williams <i>MW 3/24/18</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"/> <b>City Auditor Office Approval:</b> required for Code Ordinances <b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter <b>Council Meeting Date</b> <b>April 25, 2018</b>	<b>ACTION TAKEN:</b>

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: Total amount of time needed: (for presentation, testimony and discussion) <b>CONSENT</b> <input type="checkbox"/> <b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: 15 min. (for presentation, testimony and discussion)
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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	_____	