

ORDINANCE No. 188906

Assess benefited properties for street, sidewalk, sanitary sewer, stormwater, ornamental street lighting and water main improvements in the NE 112th Ave and Marx St Local Improvement District (Hearing; Ordinance; C-10043)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NE 112th Avenue & Marx Street Local Improvement District (LID) by the adoption of Resolution No. 36899 on January 25, 2012 at which time it declared its intent to initiate local improvement district formation proceedings and established the name of the local improvement district.
2. The Council approved formation of the NE 112th Avenue & Marx Street LID with the passage of Ordinance No. 185190 on April 23, 2014.
3. The Council approved a major scope change with the passage of Ordinance No. 186132 on June 26, 2013.
4. The Council accepted the bid of Kodiak Pacific Construction Inc. for the 2014 Local Improvement Districts Project on July 16, 2014 per Bid No. 116842 for construction of NE Marx Street. The first phase of construction was built pursuant to Contract No. 30004085 executed on July 18, 2014.
5. The Council accepted the bid of R & R General Contractors Inc. for the NE 112th & Marx Local Improvement District Project on June 24, 2015 per Bid No. 00000008 for construction of NE Marx Street. The second phase of construction was built pursuant to Contract No. 30004718 executed on June 25, 2015.
6. The records related to the adoption of Resolution No. 36899 and passage of Ordinance Nos. 185190 and 186132 are incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36899 nor of Ordinance Nos. 185190, nor of Ordinance No. 186132 shall be considered an objection to final assessment for purposes of Section 17.08.130 of City Code, nor for purposes of Section 9-405 of the City Charter.
7. A partial street vacation for NE Marx Street was approved by Council with the passage of Ordinance No. 188861 on March 14, 2018. Additional street vacations for portions of NE 112th Avenue and NE Deering Drive will be considered by Council concurrent with or subsequent to consideration of this Ordinance.

8. The street, sidewalk, stormwater and ornamental street lighting improvements to the first phase of construction of the NE 112th Avenue & Marx Street LID were substantially complete as of January 30, 2015 as indicated in Exhibit A.
9. The street, sidewalk, stormwater, ornamental street lighting, sanitary sewer and water main improvements to the second phase of construction of the NE 112th Avenue & Marx Street LID were substantially complete as of August 18, 2016 as indicated in Exhibit B. Due to regulatory compliance activities following substantial completion, final contract closeout did not occur until November 21, 2017.
10. The total cost of the project is \$5,337,125.85 as shown in Exhibit C based on amounts in Exhibit D and Exhibit E. Exhibit D includes costs in the amount of \$239,175.00 charged to the NE 52nd Avenue & Alberta Street LID, but not charged to the NE 112th Avenue & Marx Street LID. The property owners' share for this project is \$3,695,533.21. Funding was provided by the Bureau of Environmental Services in the amount of \$392,824.48; and by the Portland Bureau of Transportation in the amount of \$640,660.27 for overhead costs and system development charge funding in the amount of \$109,165.98; and by the Portland Water Bureau in the amount of \$498,941.91 for water main improvements.
11. The City Auditor mailed notice of the April 18, 2018 final assessment hearing to the owners of benefited properties within the local improvement district on March 28, 2018. The benefited properties are legally described based on Multnomah County property tax records as of the filing date of this Ordinance. The property owner was notified of the time and location of the final assessment hearing conducted by the Council; the total project costs, the deadline and procedure for filing objections to the final assessment of the local improvement district; and the amount of the proposed final assessment on benefited properties as set forth in Exhibit F (attached to the original only). The deadline to file objections to final assessment was at 5:00 PM on April 11, 2018.
12. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibit F and Exhibit G.
13. The Local Improvement District Administrator submitted for publication two notices of the local improvement district final assessment hearing in the Daily Journal of Commerce on April 2, 2018 and on April 4, 2018.
14. The Council has considered any and all objections made by owners of benefited properties. The Council accepts the summary of objections and findings as set forth in Exhibit H and adopts these findings as its own.
15. This Ordinance provides for assessment of benefited properties for local improvements. Assessments for local improvements are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.

16. In the event of any finding or any directive within this Ordinance conflicting with any prior Council action involving this local improvement district, the finding or directive within this Ordinance shall prevail.
17. The Local Improvement District Administrator's level of confidence in the cost estimate for this project is "High" per Exhibit A of Resolution No. 36430 adopted by City Council on July 26, 2006 because the project is complete.
18. The collective real market valuation per Multnomah County Assessment & Taxation records has increased from \$8,240,250 at LID formation on April 23, 2014 as shown in Exhibit F of Ordinance No. 185190 to \$16,226,650 as shown in Exhibit G of this Ordinance.
19. Completion of this LID completes all abutting frontage improvement requirements for NE 112th Avenue north of NE Marx Street and NE Marx Street between NE 109th Avenue and NE 112th Avenue except:
 - a. 10908 NE Marx Street, 11004 NE Marx Street and 111020-11038 NE Marx Street, which funded stormwater improvements through this LID, but did not construct street, curb, drainage nor sidewalk improvements; and
 - b. 11150 NE Marx Street, which funded street, curb and stormwater improvements through this LID; and
 - c. No improvements were made to NE 109th Avenue south of NE Marx Street; and
 - d. No improvements were made to NE 112th Avenue south of NE Marx Street.
 - e. No improvements were made to NE Deering Drive, which is entirely within an environmental protection zone and is proposed for a street vacation by a separate and subsequent Ordinance.

NOW, THEREFORE, the Council directs:

- a. That any and all objections received are overruled and the assessment roll contained in Exhibit F and the apportionment worksheet contained in Exhibit G of this Ordinance are hereby approved and adopted.
- b. The City Auditor to enter the assessments as shown in Exhibit F in the Docket of City Liens.
- c. The City Auditor to mail final assessment notices to owner of benefited properties

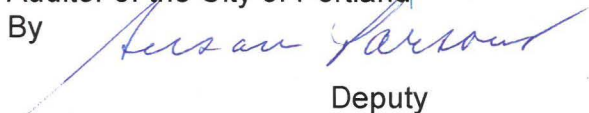
- d. The Local Improvement District Administrator to calculate increased property tax increment of properties assessed by this LID for a 20-year period following Council passage of this Ordinance pursuant to Resolution No. 37205 approved by Council on April 20, 2016.

Passed by the Council, APR 25 2018

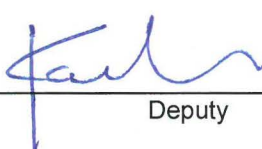
Commissioner Dan Saltzman
Prepared by: Andrew Aebi:SP
Date Prepared: March 21, 2018

Mary Hull Caballero
Auditor of the City of Portland

By


Deputy

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<p>INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration – Wheeler</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p> <p>BUREAU APPROVAL</p> <p>Bureau: PBOT Group: Policy Planning & Projects Group Manager: Art Pearce Asst. Director: Chris Warner</p> <p>Prepared by: Andrew Aebi; sp Supervisor: Millicent Williams Date Prepared: March 19, 2018</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, charter, Comp Plan</p> <p>Council Meeting Date April 18, 2018</p>	<p>CLERK USE: DATE FILED <u>APR 10 2018</u></p> <p align="center">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN: APR 18 2018 PASSED TO SECOND READING APR 25 2018 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <u>10</u> min (for presentation, testimony and discussion)</p>

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 checked="" type="checkbox"/>	
4. Eudaly	4. Eudaly	<input type="checkbox"/>	
Wheeler	Wheeler	<input type="checkbox"/>	