

ORDINANCE No. 189155

Create a local improvement district to construct street, sidewalk, and stormwater improvements in the SE 102nd Ave and Woodstock Blvd Local Improvement District (Hearing; Ordinance; C-10063)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37374 on July 25, 2018, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the SE 102nd Avenue and Woodstock Blvd. Local Improvement District (LID). In the event any finding or any directive within this Ordinance conflicts with Resolution No. 37374 involving this LID, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37374 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37374 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 August 29, 2018 LID formation hearing on August 8, 2018 to the owners of the benefited properties within the proposed SE 102nd Avenue and Woodstock Blvd. 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 SE 102nd Avenue and Woodstock Blvd. LID, the deadline and procedure for filing a remonstrance against the formation of the SE 102nd Avenue and Woodstock Blvd. 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 August 22, 2018.
4. Notices of the LID formation hearing were posted within the SE 102nd Avenue and Woodstock Blvd. LID on August 14, 2018.
5. The LID Administrator published notice of the August 29, 2018 LID Formation Hearing in the Daily Journal of Commerce on August 10, 2018 and on August 13, 2018.
6. The general character and scope of the improvement is to remove the existing dirt, gravel and/or hard surface; grade the streets to their proper subgrades; construct asphaltic concrete streets with an aggregate base; construct stormwater drainage facilities; construct curbs on both sides of the street, construct sidewalks on the west and north sides of the streets; and plant street trees on the west and north sides of the streets 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 SE 102nd Avenue improvements will be constructed from the south right-of-way line of SE Foster Road to the north right-of-way line of SE Woodstock Blvd. as shown in the map in Exhibit C, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer.
9. The SE Woodstock Blvd. Avenue improvements will be constructed from the east right-of-way line of SE 101st Avenue to 93 feet east of the east right-of-way line of SE 102nd Avenue as shown in the map in Exhibit C, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer. These project limits supersede the project limits identified in Resolution No. 37374.
10. The boundaries of the SE 102nd Avenue and Woodstock Blvd. 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 \$1,241,244.62 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 SE 102nd Avenue and Woodstock Blvd. LID is \$1,087,677.91. Additional funding is being provided by the Portland Bureau of Transportation (PBOT) in the amount of \$153,566.71 for overhead costs.
12. The LID Administrator has analyzed the financial feasibility of the SE 102nd Avenue and Woodstock Blvd. 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 SE 102nd Avenue and Woodstock Blvd. LID because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
14. The parcels of land within the SE 102nd Avenue and Woodstock Blvd. 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 SE 102nd Avenue and Woodstock Blvd. 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:
 - a. Frontage improvements to both sides of SE 102nd Avenue from SE Foster Road to SE Woodstock Blvd.; and
 - b. Frontage improvements to both sides of SE Woodstock Blvd. from SE 101st Avenue to 93 feet east of SE 102nd Avenue.
17. Passage of this Ordinance does not provide assurance of performance for:
 - a. Frontage improvements to SE Woodstock Blvd. from 93 feet east of SE 102nd Avenue to SE 103rd Avenue; nor
 - b. Frontage improvements to SE 103rd Avenue south of SE Woodstock Blvd.
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 SE 102nd Avenue and Woodstock Blvd. LID will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

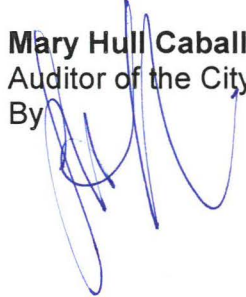
- a. The SE 102nd Avenue and Woodstock Blvd. LID is hereby created as shown in Exhibit C and the SE 102nd Avenue and Woodstock Blvd. LID includes the properties to be benefited in the amounts identified in Exhibits A and F.
- b. Assurance of performance for properties identified in Exhibit A is provided 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 City Engineer shall prepare plans and specifications for the improvement.

- e. Properties shall be assessed on a square footage basis in four (4) assessment zones reflecting different levels of benefit for access or potential access:
 - i. Assessment Zone 'A' consisting of 6320 SE 102nd Avenue shall bear 32.413817% of LID costs; and
 - ii. Assessment Zone 'B' consisting of 6330 SE 101st Avenue shall bear 35.969019% of LID costs; and
 - iii. Assessment Zone 'C' consisting of 6402 SE 103rd Avenue and the vacant parcel on the west side of SE 103rd Avenue shall bear 20.672481% of LID costs; and
 - iv. Assessment Zone 'D' consisting of the vacant parcel on the south side of SE Woodstock Blvd. shall bear 10.944683% of LID costs.
- f. Procurement Services within the Bureau of Revenue and Financial 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 SE 102nd Avenue and Woodstock Blvd. LID project. The manner in which the improvements are constructed is at the sole discretion of the City Engineer.
- g. The City Auditor shall obtain interim financing to pay for SE 102nd Avenue and Woodstock Blvd. LID project costs prior to bonding.
- h. 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.
- i. The LID Administrator is authorized to negotiate Extra Work Agreements to finance, design and construct frontage improvements for properties within the LID boundary beyond the project limits identified in Finding No. 11 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.
 - iii. The LID boundary is amended concurrent with final assessment of this LID if the property for which an Extra Work Agreement is executed is outside the boundary identified in Exhibit C of this Ordinance. A separate Ordinance to amend the LID boundary shall not be required.

- j. PBOT is authorized to incur expenditures for processing a street vacation for portions of SE 102nd Avenue, SE Woodstock Blvd. and SE 103rd Avenue; however subsequent Council approval of a street vacation will be by a separate and subsequent Ordinance and neither Planning & Sustainability Commission nor Council approval is guaranteed.

Passed by the Council, SEP 05 2018

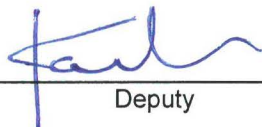
Mayor Ted Wheeler
Prepared by: Andrew Aebi: IR
Date Prepared: August 1, 2018

Mary Hull Caballero
Auditor of the City of Portland
By 

Deputy

Agenda No.
Ordinance No. 189155
Title

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<p>INTRODUCED BY Commissioner/Auditor: Dan Saltzman</p>	<p>CLERK USE: DATE FILED <u>AUG 21 2018</u></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 style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: PBOT Group: Policy, Planning & Projects Group Manager: Art Pearce Director: Chris Warner</p> <p>Prepared by: Andrew Aebi:ir</p> <p>Supervisor: Millicent Williams</p> <p>Date Prepared: August 1, 2018</p> <p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document.</p> <p>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 August 29, 2018</p>	<p>ACTION TAKEN:</p> <p>AUG 29 2018 PASSED TO SECOND READING SEP 05 2018 9:30 A.M.</p>

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>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: 10 min. (for presentation, testimony and discussion)</p>

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	✓	