

ORDINANCE No.

189160

Assess benefited properties for street, sidewalk and stormwater improvements in the SW Dolph Ct – Spring Garden St Local Improvement District (Hearing; Ordinance; C-10053)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the SW Dolph Court - Spring Garden Street Local Improvement District (LID) by the adoption of Resolution No. 37200 on April 6, 2016 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 SW Dolph Court - Spring Garden Street LID with the passage of Ordinance No. 187740 on May 11, 2016.
3. The record related to Council approval of Resolution No. 37200 and Council approval of Ordinance No. 187740 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 37200 nor of Ordinance No. 187740 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.
4. The Council approved acquisition of property rights for the SW Dolph Court - Spring Garden Street LID with the passage of Ordinance No. 188000 on September 21, 2016.
5. The Council authorized award of the construction contract to Paul Brothers, Inc. on May 24, 2017. Contract No. 00000555 was executed by the City Auditor on June 9, 2017.
6. The Council approved an amendment to the boundary of the SW Dolph Court - Spring Garden Street LID with the passage of Ordinance No. 188513 on July 12, 2017. The nonexempt property added to the boundary of the SW Dolph Court – Spring Garden Street LID is being assessed all of the costs of Change Order No. 1 to build frontage improvements for this property less a credit for transition improvements in the amount of \$1,347.67 added after Change Order No. 1 was executed.

7. The street, sidewalk and stormwater improvements to SW Dolph Court - Spring Garden Street were substantially complete as of May 29, 2018 as indicated in Exhibit A. The project scope included 936 centerline feet of improvements on SW Dolph Court and 447 centerline feet of improvements to SW Spring Garden Street for a total of 1,383 centerline feet of improvements.
8. Completion of this local improvement district does not fulfill future frontage improvement requirements for properties abutting:
 - a. SW 30th Avenue; nor
 - b. The south side of SW Dolph Court; nor
 - c. The north side of SW Dolph Court west of Spring Garden Park; nor
 - d. The north side of SW Spring Garden Street; nor
 - e. The south side of SW Spring Garden Street west of 3352 SW Spring Garden Street; nor
 - f. The south side of Spring Garden Park east of Spring Garden Park.
9. The total cost of the project is \$1,361,071.17 as shown in Exhibit B based on amounts in Exhibit C. The property owners' share for this project is \$1,179,140.80. Additional funding was provided by the Portland Bureau of Transportation in the amount of \$181,930.37 for overhead costs.
10. The City Auditor mailed notice of the September 5, 2018 final assessment hearing to the owners of benefited properties within the local improvement district on August 15, 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 D. The deadline to file objections to final assessment was at 5:00 PM on August 29, 2018.
11. Each property is specially benefited in the amounts shown in the assessment roll in Exhibit D and the apportionment worksheet in Exhibit E.
12. 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 August 17, 2018 and on August 20, 2018.

13. 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 F and adopts these findings as its own.
14. 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.
15. 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.
16. The Local Improvement District Administrator's level of confidence in the cost estimate for this project is "High" per Exhibit X of Resolution No. 36430 adopted by City Council on July 26, 2006 because the project is complete.

NOW, THEREFORE, the Council directs:

- a. That any and all objections received are overruled and the assessment roll contained in Exhibit D and the apportionment worksheet contained in Exhibit E of this Ordinance are hereby approved and adopted.
- b. The City Auditor to enter the assessments as shown in Exhibit D in the Docket of City Liens.
- c. The City Auditor to mail final assessment notices to owner of benefited properties as set forth in Exhibit D based on the amounts identified in Exhibit E.
- 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, SEP 12 2018

Commissioner Dan Saltzman
Prepared by: Andrew Aebi: IR
Date Prepared: August 3, 2018

Mary Hull Caballero

Auditor of the City of Portland

By


Deputy

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<p>INTRODUCED BY Commissioner/Auditor: Comm. Eudaly Saltzman and Eudaly</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 <i>Jim</i></p> <p>Position 4/Safety - Eudaly <i>CDE</i></p> <p>BUREAU APPROVAL</p> <p>Bureau: PBOT Group: Policy, Planning & Projects Group Manager: Art Pearce <i>Art</i> Director: Chris Warner</p> <p>Prepared by: Andrew Aebi:IR <i>AHA 8/15/18</i> Supervisor: Millicent Williams <i>MW 8/14/18</i> Date Prepared: August 3, 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 September 5, 2018</p>	<p>CLERK USE: DATE FILED <u>AUG 28 2018</u></p> <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Luzan</i></u> Deputy</p> <p>ACTION TAKEN: SEP 05 2018 PASSED TO SECOND READING SEP 12 2018 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 10:30 AM Total amount of time needed: 15 min. (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/> Total amount of time needed: (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 checked="" type="checkbox"/>	
Wheeler	Wheeler	<input checked="" type="checkbox"/>	