

ORDINANCE No. 189523 As Amended

*Amend the scope of the N Suttle Road Local Improvement District to extend sanitary sewer to serve developed property owned by Supreme Perlite Company, and extend the planned street, sidewalk and stormwater improvements to the west right-of-way line of N Suttle Rd. to provide maintenance and emergency access to undeveloped property owned by the Port of Portland (Hearing; Ordinance; C-10058; amend Ordinance No. 188576)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37282 on May 10, 2017 declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the North Suttle Road Local Improvement District (LID). In the event any finding or any directive within this Ordinance conflicts with Resolution No. 37282 involving this LID, the finding or directive within this Ordinance shall prevail.
2. The Council adopted Ordinance No. 188576 on August 30, 2017 forming the North Suttle Road LID. In the event any finding or any directive within this Ordinance conflicts with Ordinance No. 188576 involving this LID, the finding or directive within this Ordinance shall prevail.
3. The Local Improvement District Administrator received a letter from Supreme Perlite Company dated April 17, 2019 requesting that the existing sanitary sewer in North Suttle Road be extended to serve their property. This letter is attached as Exhibit A.
4. The Local Improvement District Administrator received a letter from the Port of Portland dated April 20 2019 requesting a westerly extension of the project limit of the North Suttle Road LID. This letter is attached as Exhibit B.
5. The current western project limit of the North Suttle Road LID is 2,935 feet west of the west right-of-way line of North Portland Road per Finding No. 8 of Ordinance No. 188576. Passage of this Ordinance will result in an additional 164 centerline feet of street improvements being built within the entirety of the North Suttle Road right-of-way.
6. The additional project work per Findings No. 3 and 4 of this Ordinance will result in increases to estimated amounts for Pending Lien No. 160819 for a property owned by the Port of Portland, and to Pending Lien Nos. 160822 and 160829 for properties owned by Supreme Perlite Company.

7. Finding Nos. 19 and 20 of Ordinance No. 188576 are incorporated into Exhibit C of this Ordinance resulting in increases to Pending Lien No. 160842 reflecting Portland Bureau of Transportation funding of \$500,000 in system development charge (SDC) funding and \$300,000 in Heavy Vehicle Use Tax (HVUT) funding. This funding will be applied at final assessment of the North Suttle Road LID subject to directives 'k' and 'l' of this Ordinance, which are not being amended by this Ordinance.
8. Finding No. 21 of Ordinance No. 188576 is incorporated into Exhibit C of this Ordinance resulting in an increase to Pending Lien No. 160824 reflecting an additional \$500,000 in Bureau of Environmental Services funding approved by Council at LID formation.
9. The Local Improvement District Administrator mailed notice of the May 29, 2019 LID scope change hearing on May 8, 2019 to the owners of the benefited properties within the 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 amendment to the North Suttle Road LID, the deadline and procedure for filing a remonstrance against the amendment to the North Suttle Road LID, and the amount of the estimated future assessment on benefited properties as set forth in Exhibit C. The deadline to submit a written remonstrance was at 5:00 PM on May 22, 2019.
10. Notices of the North Suttle Road LID amendment hearing were posted within the North Suttle Road LID on May 14, 2019.
11. Notices of the North Suttle Road LID amendment hearing were published in the Daily Journal of Commerce on May 13, 2019 and on May 15, 2019.
12. The LID Administrator published notice of the April 17, 2019 LID Formation Hearing in the Daily Journal of Commerce on April 1, 2019 and on April 3, 2019.
13. The remonstrance level is evaluated in Exhibit C. Council retains jurisdiction over the formation of the North Suttle Road 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 North Suttle Road LID will receive special benefit from the project in the amounts set forth in Exhibit C.
15. The Council has considered the remonstrances made by the owner of properties to be benefited by the North Suttle Road LID project, and adopts the summary of remonstrances and findings as set forth in Exhibit D.

16. Assessments for LIDs are not subject to the properties tax limitation established by Article XI, Section 11b of the Oregon Constitution.
17. Pursuant to City Code, assessment for the North Suttle Road LID will be imposed by a separate and subsequent Ordinance.

NOW, THEREFORE, the Council directs:

- a. The estimated assessment amounts in Exhibit A and Exhibit F of Ordinance No. 188576 are updated with the amounts in Exhibit C of this Ordinance.
- b. Exhibit D of Ordinance No. 188576 is replaced with Exhibit E of this Ordinance.

Section 2. The Council declares that an emergency exists because the scope of property rights acquisition for this project is dependent on confirmation of the western project limit of the North Suttle Road LID; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

MAY 29 2019

Commissioner Chloe Eudaly
Prepared by: Andrew Aebi: cdb
Date Prepared: 4/30/2019

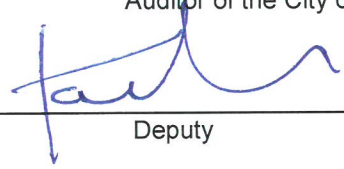
Mary Hull Caballero
Auditor of the City of Portland
By



Deputy

Agenda No.
Ordinance NO. 189523 **As Amended**
 Title

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INTRODUCED BY Commissioner/Auditor: Chloe Eudaly	CLERK USE: DATE FILED <u>MAY 21 2019</u>
COMMISSIONER APPROVAL Mayor—Finance & Administration – Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Hardesty Position 4/Safety - Eudaly	Mary Hull Caballero Auditor of the City of Portland By:  Deputy
BUREAU APPROVAL Bureau: PBOT Group: Policy, Planning & Projects Group Manager: Art Pearce Director: Chris Warner Prepared by: Andrew Aebi:cdb Supervisor: Millicent Williams Date Prepared: April 30, 2019	ACTION TAKEN:
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, charter, Comp Plan Council Meeting Date May 29, 2019	

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: 10:05 AM Total amount of time needed: 15 min. (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

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