

ORDINANCE No. 190320

Assess benefited property for street and mast arm traffic signal improvements from NW 9th Ave to north of NW 19th Ave in the NW Front Ave – Naito Pkwy Local Improvement District (Hearing; Ordinance; C-10056)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NW Front Avenue - Naito Parkway Local Improvement District (LID) by the adoption of Resolution No. 37263 on January 25, 2017 declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district.
2. The Council approved formation of the NW Front Avenue - Naito Parkway LID with the passage of Ordinance No. 188283 on March 15, 2017.
3. The record related to Council approval of Resolution No. 37263 and Council approval of Ordinance No. 188283 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 37263 nor of Ordinance No. 188283 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 authorized award of the construction contract to Just Bucket Excavating, Inc. on August 15, 2018. Contract No. 30006487 was executed on September 14, 2018.
5. The street improvements to NW Front Avenue - Naito Parkway were substantially complete as of December 20, 2019 as indicated in Exhibit A. The project scope included:
 - a. 3,732 centerline feet of street improvements on NW Front Avenue and on NW Naito Parkway from NW 9th Avenue to 70 feet north of NW 19th Avenue; and
 - b. Mast arm traffic signal improvements at three (3) intersections of NW 9th Avenue & Naito Parkway; NW 15th Avenue & Front Avenue / Naito Parkway; and at NW 17th Avenue & Front Avenue including curb ramp improvements to meet Americans with Disabilities Act requirements; and
 - c. Relocation of bus stops and installation of new bus stops to reduce inordinate spacing distances, including a new transit island curb extension to support transit ridership and weekend service expansion on bus line #16.

- d. Installation of conduit for additional lighting improvements for when future sidewalk infill improvements are made to the west side of NW Naito Parkway from NW 9th Avenue to NW 15th Avenue.
6. Frontage improvement requirements for the NW Front Avenue frontage of 2035 NW Naito Parkway were completed under Public Works Permit No. TH0281 in lieu of by this LID; however, this property voluntarily funded off-site improvements to NW Front Avenue and to NW Naito Parkway.
7. The project installed a catch basin serving the Dockside Restaurant at 2047 NW Front Avenue to avoid adverse stormwater impacts to private property resulting from this project. The curb realignment was necessary at the southwest corner of the NW 17th Avenue & Front Avenue intersection to eliminate conflicts between vehicles turning from NW 17th Avenue northbound to NW Front Avenue southbound and pedestrian activity at this intersection. Due to the building encroachment into the public right-of-way, it was not possible to install this catch basin on private property.
8. Completion of this local improvement district does not fulfill future frontage improvement requirements for any property located within the local improvement district boundary.
9. The total cost of the project is \$3,240,881.85 as shown in Exhibit B based on amounts in Exhibit C. The property owner's share for this project is \$1,077,743.46. Additional funding was provided by the Portland Bureau of Transportation in the amount of \$1,500,000.00 in paving preservation funds, \$403,842.00 in Transportation System Development Charge (TSDC) funding reflecting TSDC Project No. 20070 added after formation of the LID, and \$204,337.23 for overhead costs. Park Office LLC also directly funded \$54,959.16 in design engineering costs to Kittelson, Inc.
10. The Revenue Bureau mailed notice of the March 3, 2021 final assessment hearing to the owners of benefited properties within the local improvement district on February 10, 2021. 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 February 24, 2021.
11. The 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 February 15, 2021 and on February 17, 2021.
13. The Council has considered any and all objections made by owners of the benefited property. 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 A 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 Revenue Bureau to enter the assessments as shown in Exhibit D in the Docket of City Liens.
- c. The Revenue Bureau 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 Portland Bureau of Transportation to issue transportation system development charge (SDC) credits for 2035 NW Front Avenue in the amount of the LID assessment of \$1,077,743.46 plus \$30,673.54 of the \$54,959.16 for a total SDC credit amount of \$1,108,417.00.
- e. The Portland Bureau of Transportation to issue an encroachment permit per Finding No. 7 of this Ordinance at no cost to property owner of 2047 NW Front Avenue.

- f. 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: March 10, 2021

Portland Commissioner Jo Ann Hardesty

Prepared by: Andrew Aebi:cdb

Date Prepared: 2/10/2021

Mary Hull Caballero

Auditor of the City of

By *Megan Lehman*

Deputy

Agenda No.
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Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Jo Ann Hardesty</p>	<p>CLERK USE: DATE FILED <u>February 23, 2021</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Keelan McClymont</i></u> Deputy</p> <p>ACTION TAKEN:</p> <p>March 3, 2021 Passed to Second Reading March 10, 2021</p>
<p>Mayor—Finance & Administration - Wheeler</p>	
<p>Position 1/Utilities - Rubio</p>	
<p>Position 2/Works - Ryan</p>	
<p>Position 3/Affairs - Hardesty <i>Jo Ann Hardesty</i></p>	
<p>Position 4/Safety - Mapps</p>	
<p style="text-align: center;">BUREAU APPROVAL</p>	
<p>Bureau: PBOT Bureau Head: Chris Warner <small>Digitally signed by Chris Warner Date: 2021.02.12 13:58:23 -08'00'</small></p>	
<p>Prepared by: Andrew Aebi Date Prepared: 2/2/2021</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: <i>Eric Shaffner</i> required for contract, code, easement, franchise, comp plan, charter <small>Digitally signed by Eric Shaffner Date: 2021.02.17 11:38:44 -08'00'</small></p>	
<p>Council Meeting Date March 3, 2021</p>	

<p style="text-align: center;">AGENDA</p> <p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:35</u> Total amount of time needed: 15 Mins (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>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th style="width: 35%;">FOUR-FIFTHS AGENDA</th> <th colspan="2">COMMISSIONERS VOTED AS FOLLOWS:</th> </tr> <tr> <th></th> <th style="width: 20%;">YEAS</th> <th style="width: 25%;">NAYS</th> </tr> <tr> <td>1. Rubio</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>2. Ryan</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>3. Hardesty</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>4. Mapps</td> <td style="text-align: center;">✓</td> <td></td> </tr> <tr> <td>Wheeler</td> <td style="text-align: center;">✓</td> <td></td> </tr> </table>	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:			YEAS	NAYS	1. Rubio	✓		2. Ryan	✓		3. Hardesty	✓		4. Mapps	✓		Wheeler	✓	
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