

ORDINANCE No. 190340

Assess benefited properties for street, sidewalk, stormwater, and mast arm traffic signal improvements at the NW 23rd Ave, Vaughn St, and U.S. 30 intersection in the NW 20th Ave Local Improvement District (Hearing; Ordinance; C-10049)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NW 20th Avenue Local Improvement District (LID) by the adoption of Resolution No. 37215 on May 27, 2015 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 20th Avenue LID with the passage of Ordinance No. 187244 on July 1, 2015.
3. The Council amended the boundary of the NW 20th Avenue LID and authorized mast arm traffic signal improvements at the NW 23rd Avenue & Vaughn Street and U.S. 30 intersection with the passage of Ordinance No. 188455 on June 14, 2017.
4. The Council further amended the boundary of the NW 20th Avenue LID to incorporate the property located at 2141 NW 25th Ave as a benefiting property in the LID with the passage of Ordinance No. 188724 and also authorized a contribution to the Northwest Transportation Fund with the passage of Ordinance No. 188722 on December 13, 2017.
5. The record related to Council approval of Resolution No. 37215 and Council approval of Ordinance Nos. 187244, 188455 and 188724 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 37215 nor of Ordinance Nos. 187244 188455 and 188724 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.
6. The Council authorized award of the construction contract to Corpac Construction on July 18, 2018. Contract No. 30006462 was executed on August 20, 2018.
7. The street improvements to NW 20th Avenue were substantially complete as of March 9, 2020 as indicated in Exhibit A. The project scope included:
 - a. 1,791 centerline feet of street improvements on NW 20th Avenue and on NW Thurman Street from NW 20th Avenue to NW 21st Avenue; and
 - b. Mast arm traffic signal improvements at the NW 23rd Avenue & Vaughn Street and U.S. 30 intersection; and

- c. Closure of the NW Thurman Street Ramp south of U.S. 30 and closure of the NW Thurman Street – Vaughn Street Ramp north of U.S. 30 necessitated by grade changes necessary to achieve sufficient vertical clearance and positive drainage of the new NW 20th Avenue underneath U.S. 30.
 - d. Transition improvements to NW Thurman Street from NW 19th Avenue to NW 20th Avenue necessitated by the closure of the NW Thurman Street Ramp south of U.S. 30 as well as by grade changes necessary to achieve sufficient vertical clearance and positive drainage of the new NW 20th Avenue underneath U.S. 30.
8. Completion of this local improvement district fulfills the following abutting frontage improvement requirements for which a waiver of remonstrance against formation of a local improvement district would be required in lieu of constructing required frontage improvements:
 - a. NW 20th Avenue from NW Raleigh Street to NW Upshur Street; and
 - b. The south side of NW Thurman Street from NW 20th Avenue to NW 21st Avenue.
9. Completion of this local improvement district not fulfill the following abutting frontage improvement requirements for which a waiver of remonstrance against formation of a local improvement district would be required in lieu of constructing required frontage improvements:
 - a. NW Raleigh Street from NW 19th Avenue to NW 21st Avenue; nor
 - b. NW Savier Street from NW 19th Avenue to NW 21st Avenue; nor
 - c. NW Thurman Street from NW 19th Avenue to NW 20th Avenue; nor
 - d. The north side of NW Thurman Street from NW 19th Avenue to NW 20th Avenue.
10. The total cost of the project is \$8,933,098.33 as shown in Exhibit B based on amounts in Exhibit C. The property owner's share for this project is \$8,300,467.41. Additional funding was provided by the Portland Bureau of Transportation in the amount of \$572,259.92 for absorption of overhead costs and from the Portland Water Bureau in the amount of \$60,371.00 for utility relocation costs.

11. The Revenue Bureau mailed notice of the March 24, 2021 final assessment hearing to the owners of benefited properties within the local improvement district on March 3, 2021. The benefited properties are legally described based on Multnomah County property tax records as of the filing date of this Ordinance. The property owners were 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 March 17, 2021.
12. The property is specially benefited in the amounts shown in the assessment roll in Exhibit D and the apportionment worksheet in Exhibit E.
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 March 8, 2021 and on March 10, 2021.
14. 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.
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 "Optimal" per Exhibit A of Resolution No. 36430 adopted by City Council on July 26, 2006 because a certificate of completion is pending for the project.

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 as indicated in Exhibit D in the combined amount of \$1,901,803.84.
- e. 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.
- f. That the Chief Procurement Officer is authorized but not required to authorize final payment for Contract No. 30006462 with the Council waiving the contract limit of \$1,250,000 as specified in Code Section 5.33.040.A.7b.

Passed by the Council: March 31, 2021

Commissioner Jo Ann Hardesty
Prepared by: Andrew Aebi:cdb
Date Prepared: 3/4/2021

Mary Hull Caballero
Auditor of the City of Portland

By *Megan Lehman*

Deputy

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 Agenda No.
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 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Jo Ann Hardesty</p>	CLERK USE: DATE FILED <u>March 16, 2021</u>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u>Megan Lehman</u> Deputy</p> <p>ACTION TAKEN: March 24, 2021 Passed to Second Reading March 31, 2021 at 9:30 am</p>
Mayor—Finance & Administration - Wheeler	
Position 1/Utilities - Rubio	
Position 2/Works - Ryan	
Position 3/Affairs - Hardesty <i>Jo Ann Hardesty</i>	
Position 4/Safety - Mapps	
<p style="text-align: center;">BUREAU APPROVAL</p>	
Bureau: PBOT Bureau Head: Christopher Warner <small>Digitally signed by Christopher Warner Date: 2021.03.05 08:00:02 -08'00'</small>	
Prepared by: Andrew Aebi Date Prepared: <u>2/25/2021</u>	
<p>Impact Statement</p> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<p>Portland Policy Document</p> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<p>City Auditor Office Approval: required for Code Ordinances</p>	
<p>City Attorney Approval: Eric Shaffner <small>Digitally signed by Eric Shaffner Date: 2021.03.02 09:24:22 -08'00'</small> required for contract, code, easements, franchise, comp plan, charter</p>	
Council Meeting Date <u>March 24, 2021</u>	

AGENDA

TIME CERTAIN

Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: 10 min.
 (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Rubio	X	
2. Ryan	X	
3. Hardesty	X	
4. Mapps	X	
Wheeler	X	