

ORDINANCE No. 190389

Assess benefited properties for street, sidewalk, and stormwater improvements in the NE 27th Ave & Holland St Local Improvement District (Hearing; Ordinance; C-10059)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NE 27th Avenue & Holland Street Local Improvement District (LID) by the adoption of Resolution No. 37286 on May 24, 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 NE 27th Avenue & Holland Street LID with the passage of Ordinance No. 188514 on July 12, 2015.
3. The record related to Council approval of Resolution No. 37286 and Council approval of Ordinance No. 188514 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 37286 nor of Ordinance No. 188514 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 Moore Excavation, Inc. on July 31, 2019. Contract No. 30006965 was executed on September 10, 2019.
5. The street improvements to NE 27th Avenue & Holland Street were substantially complete as of March 9, 2020 as indicated in Exhibit A. The project scope included:
 - a. 282 centerline feet of street improvements on NE 27th Avenue; and
 - b. 76 centerline feet of street improvements on NE Holland Street.
6. 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. The west side of NE 27th Avenue from the south right-of-way line of NE Columbia Blvd. to the north right-of-way line of the Union Pacific Railroad north of NE Lombard Street; and

- b. The east side of NE 27th Avenue from 91 feet south of the south right-of-way line of NE Columbia Blvd. to the north right-of-way line of the Union Pacific Railroad north of NE Lombard Street; and
 - c. NE Holland Street from the east right-of-way line of NE 27th Avenue to 57 feet east of the east right-of-way line of NE 27th Avenue.
7. Completion of this local improvement district does 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. Any portion of NE Columbia Blvd; nor
 - b. The east side of NE 27th Avenue from the south right-of-way line of NE Columbia Blvd. to 91 feet south of the south right-of-way line of NE Columbia Blvd.; nor
 - c. NE Holland Street east of 57 feet east of the east right-of-way line of NE 27th Avenue which is proposed to be vacated by a separate and subsequent Ordinance.
8. The total cost of the project is \$688,989.74 as shown in Exhibit B based on amounts in Exhibit C. The property owner's share for this project is \$561,933.46. Additional funding was provided by the Portland Bureau of Transportation in the amount of \$127,056.28 for absorption of overhead costs.
9. The Revenue Bureau mailed notice of the April 28, 2021 final assessment hearing to the owners of benefited properties within the local improvement district on April 7, 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 April 21, 2021.
10. The properties are specially benefited in the amounts shown in the assessment roll in Exhibit D and the apportionment worksheet in Exhibit E.
11. 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 April 12, 2021 and on April 14, 2021.

12. The Council has considered any and all objections made by owners of the benefited properties. The Council accepts the summary of objections and findings as set forth in Exhibit F and adopts these findings as its own.
13. 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.
14. 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.
15. 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 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: May 5, 2021

Commissioner Jo Ann Hardesty
Prepared by: Andrew Aebi:cdb
Date Prepared: 4/1/2021

Mary Hull Caballero
Auditor of the City of Portland

By *Christina Thomas*

Deputy

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 Agenda No.
ORDINANCE NO. 190389
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Jo Ann Hardesty</p>	CLERK USE: DATE FILED <u>April 20, 2021</u>
<p style="text-align: center;">COMMISSIONER APPROVAL</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <u><i>Keelan McClymont</i></u> Deputy</p> <p>ACTION TAKEN: April 28, 2021 Passed to Second Reading May 5, 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: 2021.04.07 10:41:19 -07'00'</small>	
Prepared by: Andrew Aebi Date Prepared: 4/2/2021	
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: Eric Shaffner <small>Digitally signed by Eric Shaffner Date: 2021.04.05 10:49:38 -07'00'</small> required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date April 28, 2021	

AGENDA

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

CONSENT

REGULAR **15 min.**
 Total amount of time needed: _____
 (for presentation, testimony and discussion)
 To be read with & before VAC-10131 Ord.

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