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191248

Ordinance

Create a local improvement district to construct street improvements west of NW 83rd Pl in the NW Reed Dr Local Improvement District (C-10073)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37611 on February 22, 2023, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NW Reed Drive Local Improvement District ("LID").
2. The record related to the adoption of Resolution No. 37611 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37611 shall be considered a remonstrance for purposes of Section 17.08.070 of City Code, nor for purposes of Section 9-403 of the City Charter.
3. The Bureau of Revenue & Financial Services mailed notice of the April 12, 2023 LID formation hearing on March 22, 2023 to the owners of the benefited properties within the proposed NW Reed Drive 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 formation of the NW Reed Drive LID, the deadline and procedure for filing a remonstrance against the formation of the NW Reed Drive LID, and the amount of the estimated future assessment on benefited properties as set forth in Exhibit A. The deadline to submit a written remonstrance was at 5:00 PM on April 5, 2023.
4. Notices of the LID formation hearing were posted within the NW Reed Drive LID on March 27, 2023.
5. The LID Administrator published notice of the April 20, 2023 LID Formation Hearing in the Daily Journal of Commerce on March 27, 2023 and on March 29, 2023.

Introduced by

[Commissioner Mingus Mapps](#)

Bureau

[Transportation](#)

Contact

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Administrator & Project
Manager

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Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

April 19, 2023

6. The general character and scope of the improvement is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; and construct an asphaltic concrete street with an aggregate base using full depth reclamation in lieu full reconstruction if deemed to be feasible by the City Engineer.
7. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
8. The NW Reed Drive improvements will be constructed from 124 feet west of the centerline of NW 83rd Place to western terminus of the dead-end of NW Reed Drive, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer; however no curb ramp installation or replacement is currently anticipated due the lack of intersections within the area of improvement as shown in Exhibit B.
9. The boundary of the NW Reed Drive LID includes the properties as shown in the map in Exhibit B.
10. The LID Administrator's estimated cost of designing, constructing and financing the improvements is \$1,407,730 assuming full street reconstruction as shown in Exhibit C, not including the cost of utility relocation that may be required at utilities' expense. The LID Administrator's estimate is based on the Engineer's Estimate of February 3, 2023 as contained in Exhibit D. The LID Administrator's level of confidence in the cost estimate for this project as of the filing date of this Ordinance is "Low" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006 given that project specifications are preliminary.
11. The estimated amount of the future assessment for the NW Reed Drive LID is \$1,215,475. Additional funding is being provided by the Portland Bureau of Transportation (PBOT) in the amount of \$192,255 for overhead costs as directed by Resolution No. 35937 approved by City Council on November 1, 2000.
12. The LID Administrator has analyzed the financial feasibility of the NW Reed Drive LID and has made a finding that the collective bonding capacity of benefiting properties is sufficient to minimize the City's financial risk associated with this project.
13. The remonstrance level is evaluated in Exhibit E. Council retains jurisdiction over the formation of the NW Reed Drive 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 NW Reed Drive LID will receive special benefit from the project in the amounts set forth in Exhibits A and E.
15. The Council has considered the remonstrances made by the owner of properties to be benefited by the NW Reed Drive LID project, and

adopts the summary of remonstrances and findings as set forth in Exhibit F.

16. Passage of this Ordinance will constitute an assurance of performance as allowed by Section 17.24.055 B.5 of City Code.
17. Assessments for LIDs are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
18. Pursuant to City Code, assessments for the NW Reed Drive LID will be imposed by a separate and subsequent ordinance.
19. Existing single-family development of properties benefiting from this LID were built between 1967 and 2019 abutting NW Reed Drive, which is currently a privately-maintained street. NW Reed Drive was not accepted for maintenance by the Portland Bureau of Transportation ("PBOT") for reasons including but not limited to the lack of a stormwater system meeting current Stormwater Management Manual ("SMM") requirements. A single-family home on the street was built in 2019 with the developer building a new stormwater disposal point consistent with current SMM requirements.
20. NW Reed Drive has existing curbs and existing stormwater management, but the pavement has not been accepted for maintenance by PBOT and is in very poor condition with current pavement condition index ("PCI") scores ranging from 18 to 24 on a zero to 100 scale.
21. NW Reed Drive does not have existing sidewalks; however this LID was not scoped with new sidewalks due to the dead-end nature of the street, the desire to avoid physical and financial impacts of right-of-way acquisition and removal of existing trees.
22. The NW Reed Drive LID was scoped and petitioned as a full reconstruction of the existing street concurrent with PBOT also developing a companion potential alternative full depth reclamation ("FDR") scope option at a lesser cost to property owners if deemed to be feasible by the City Engineer.
23. Currently one existing street light illuminates NW Reed Drive west of the NW 83rd Place intersection, but property owners do not wish to bear the significant additional cost of an underground street lighting system prevalent in the remainder of the adjoining neighborhood.

NOW, THEREFORE, the Council directs:

- A. The NW Reed Drive LID is hereby created as shown in Exhibit B and the NW Reed Drive LID includes the properties to be benefited in the amounts identified in Exhibits A and B.
- B. The requirement to include a typical section per Section 17.08.080 of City Code is waived since the alignment of existing curbs will not

- change and the requirement to construct sidewalks is deferred until future development or redevelopment of properties included in the NW Reed Dr. LID.
- C. A requirement that would otherwise apply as a condition of development to construct an underground street lighting system in the NW Reed Drive LID is waived.
- D. Assurance of performance for nonexempt properties identified in Exhibit A is provided upon Council passage of this Ordinance per Section 17.24.055 of City Code.
- E. The properties' owners' estimated share of costs is as shown in Exhibit E. Costs for any necessary utility relocation shall be allocated per Subsection 17.16.100 of City Code as well as per the Final Procedures for Allocation of Utility Relocation Costs adopted on June 5, 2002.
- F. The City Engineer shall prepare plans and specifications for the improvement.
- G. Properties shall be assessed on an equal shares basis in two (2) assessment zones with 99.6422155% of LID costs apportioned to Assessment Zone 'A' and 0.3577845% of LID costs apportioned to Assessment Zone 'B'.
- H. Procurement Services within the Bureau of Revenue and Financial Services shall advertise for bids, prepare a contract, and award the contract through a competitive bid process. The improvements may be constructed in whole or in part by the City of Portland, or the City of Portland may seek bids for any portion of the NW Reed Drive LID project. The manner in which the improvements are constructed will be at the sole discretion of the City Engineer.
- I. The Bureau of Revenue & Financial Services shall obtain interim financing to pay for NW Reed Drive LID project costs prior to bonding.
- J. PBOT is authorized to make expenditures for this project per Finding No. 13 and per Exhibit C, and the Bureau of Revenue & Financial Services is authorized to reimburse such expenditures from the LID Fund.
- K. The requirement for a hearing per Code Section 17.08.080 is waived in the event that the City Engineer elects to scope construction of the LID with full depth reclamation or other acceptable pavement treatment deemed acceptable by the City Engineer in lieu of full reconstruction.
- L. The requirement for a hearing per Code Section 17.08.080 is waived in the event that an additional fire hydrant is installed to achieve appropriate fire hydrant spacing for R-3 occupancies per Oregon Structural Specialty Code / Oregon Residential Specialty Code (building code) and the Portland Fire Code.

- M. The requirement for a hearing per Code Section 17.08.080 is waived in the event it is necessary to replace any or all of five (5) City maintained inlets between NW 83rd Place and NW 81st Place with BES Unit IDs AND310, AND311, AND312, AND313, and ASQ885 after video inspection following Council approval of this Ordinance.
- N. The requirement for a hearing per Code Section 17.08.080 is waived in the event it is necessary to replace any or all of three (3) current privately- maintained inlets between NW 83rd Place and NW 81st Place with BES Unit IDs ARN980, ARN981, and ARN982 after video inspection following Council approval of this Ordinance.
- O. The requirement for a hearing per Code Section 17.08.080 is waived in the event it is necessary to remove either or both of two (2) unmapped inlets east of 8320 NW Reed Drive following Council approval of this Ordinance.
- P. In the event of any conflict between Binding City Policy ENB-6.02 and Code Chapter 17.08, Code Chapter 17.08 shall prevail.
- Q. In the event of any conflict between Binding City Policy ENB-6.02 and this Ordinance, this Ordinance shall prevail.
- R. If any finding or directive within this Ordinance conflicts with Resolution No. 37611, the finding or directive within this Ordinance shall prevail.

Documents and Exhibits

 [Exhibit A](#) 658.72 KB

 [Exhibit B](#) 1.15 MB

 [Exhibit C](#) 58.2 KB

 [Exhibit D](#) 588.93 KB

 [Exhibit E](#) 628.77 KB

 [Exhibit F](#) 690.15 KB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
April 19, 2023

Auditor of the City of Portland
Simone Rede

Impact Statement

Purpose of Proposed Legislation and Background Information

- This legislation forms the NW Reed Drive LID as a prerequisite to design and construction.
- Final Council approval of the LID is anticipated on April 19, 2023.
- Residential property owners are paying all direct costs of the LID. PBOT will only pay for overhead costs.
- The existing street is unusual in that it is paved with curbs but was not improved to City standards with a public stormwater system in place at the time of initial development.
- Pavement is currently in very poor condition and will be either reclaimed or reconstructed as a condition of the City accepting maintenance responsibility.
- This LID was initiated on the basis of 14 of 25 property owners affirmatively petitioning in favor.

Financial and Budgetary Impacts

- Total project cost is \$1,407,730.
- The LID amount is \$1,215,475 with most properties paying \$52,658 each with 2 additional properties paying a fractional amount since nearly all of their frontage abuts the portion of NW Reed Dr. to the east already accepted for maintenance by the City..
- PBOT is contributing \$192,255 in General Transportation Revenue (GTR) for overhead costs per LID Code.
- There is no funding requested as a result of this legislation. Once the LID is formed, funding will be incorporated into the FY 2023-24 Capital Improvement Plan Requested Budget.

Community Impacts and Community Involvement

- There is no pending development on this street, and all tax lots to be assessed by the LID have existing single family homes.
- The street surface of NW Reed is in very poor condition, with a pavement condition index rating of 18 to 24 on a zero to 100 scale, and is not salvageable, and either would be reclaimed with a full depth reclamation construction technique, or fully reconstructed.
- No new sidewalks are proposed to avoid the cost of moving the existing curbs and topographical and setback constraints.

- There are no intersections in the proposed LID, so no new curb ramps would be designed nor constructed.

Agenda Items

275 Time Certain in [April 12, 2023 Council Agenda](#)

Passed to second reading

Passed to second reading April 19, 2023 at 9:30 a.m.

312 Regular Agenda in [April 19, 2023 Council Agenda](#)

Rescheduled

Rescheduled to April 19, 2023 at 2:15 p.m.

317 Regular Agenda in [April 19, 2023 Council Agenda](#)

Passed

Commissioner Dan Ryan Yea

Commissioner Rene Gonzalez Absent

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Mayor Ted Wheeler Yea