

## ORDINANCE No. 183849

Create a local improvement district to construct street, sidewalk and stormwater improvements from Glisan St to 74 feet north of Davis St in the NE 97th Avenue Green Street Local Improvement District (Hearing; Ordinance; C-10035)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 36783 on April 28, 2010, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NE 97th Avenue Green Street Local Improvement District.
2. The City Auditor mailed notice of the May 26, 2010 local improvement district formation hearing on May 5, 2010 to the owner of each benefited property within the proposed NE 97th Avenue Green Street Local Improvement District. The benefited properties are legally described based on Multnomah County property tax records as of the filing date of this Ordinance. Each property owner was 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 NE 97th Avenue Green Street Local Improvement District, the deadline and procedure for filing remonstrances against the formation of the NE 97th Avenue Green Street Local Improvement District, and the amount of the estimated future assessment on benefited property as set forth in Exhibit A (attached to the original only). The deadline to submit written remonstrances was at 5:00 PM on May 19, 2010.
3. Notices of the local improvement district formation hearing were posted within the NE 97th Avenue Green Street Local Improvement District on May 11, 2010.
4. The Local Improvement District Administrator published notice of the May 26, 2010 local improvement hearing in the Daily Journal of Commerce on May 11 and May 12, 2010.
5. The improvements will be constructed on NE 97th Avenue from the south line of NE Glisan Street to the 74 feet north of NE Davis Street; plus any transition work on abutting street segments, intersections, Oregon Department of Transportation right-of-way, or adjacent property determined to be necessary by the City Engineer.
6. The general character and scope of the improvement is to remove the existing asphaltic concrete, dirt, and gravel; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater drainage facilities primarily consisting of stormwater curb extensions; construct sidewalks on both sides of the street as necessary to provide a complete pedestrian connection to current City standards; and plant street trees in most locations as shown in Exhibit B.

7. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
8. The boundaries of the NE 97th Avenue Green Street Local Improvement District shall include the properties as shown in Exhibit C.
9. The Local Improvement District Administrator's estimated cost of designing, constructing and financing the improvements is \$1,157,750.41 as shown in Exhibit D, not including utility relocation costs that may be incurred by utilities. The Local Improvement District Administrator's estimate is based on the Engineer's Estimate as contained in Exhibit E. The Local Improvement District 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. The estimated amount of the future assessment for the NE 97th Avenue Green Street Local Improvement District is \$438,659.72. The Portland Development Commission will provide funding estimated at \$719,090.69 with \$302,090.69 from Gateway Urban Renewal Area tax-increment funds and \$417,000.00 of PDC funding from grant funds administered by the Bureau of Environmental Services.
10. Each parcel of land within the NE 97th Avenue Green Street Local Improvement District will receive special benefit from the project in the amounts set forth in Exhibit A.
11. Gordon C. Jones, the owner of properties abutting the east side of NE 97th Avenue from 233 feet south of the south line of NE Glisan Street to 622 feet south of the south line of NE Glisan Street was required by the Bureau of Transportation to dedicate seven feet of right-of-way as a condition of building permit approvals. These properties are in the collective ownership of Mr. Jones and The Annex in Gateway LLC. The dedication requirements were identified during a Design Advice Request reviewed by the Portland Design Commission on January 18, 2007 per Case/File Number 06-144692. The dedication requirement is per the authority in Sections 17.88.020 and 17.88.060 of City Code. Narrower right-of-way requirements were identified during the project development phase of the NE 97th Avenue Green Street LID project; therefore the right-of-way dedication requirement was reduced by the Bureau of Transportation from seven feet to three feet. Payment for easements for this right-of-way dedication is therefore not budgeted for this project. Donation of this right-of-way is expected prior to construction of this project.
12. The Local Improvement District Administrator has analyzed the financial feasibility of the NE 97th Avenue Green Street Local Improvement District and has made a finding that the collective bonding capacity of properties within it is sufficient so as to minimize the City of Portland's financial risk associated with this project. The collective real market valuation of the properties included in the NE 97th Avenue Green Street Local

Improvement District is at least \$8,164,630 for a future minimum estimated assessment to valuation ratio of 18.6 : 1.

13. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the NE 97th Avenue Green Street Local Improvement District because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
14. The Council has considered the remonstrances made by owners of property to be benefited by the NE 97th Avenue Green Street Local Improvement District project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.
15. Assessments for local improvement districts are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
16. Pursuant to City Code, assessment for the NE 97th Avenue Green Street Local Improvement District will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- a. The NE 97th Avenue Green Street Local Improvement District is hereby created as shown in Exhibit C, and the NE 97th Avenue Green Street Local Improvement District includes the properties to be benefited as identified in Exhibit A.
- b. The property owners' estimated share of costs is as shown in Exhibit D. 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.
- c. Properties shall be assessed on an abutting linear footage basis except for right-of-way acquisition costs on the east side of NE 97th Avenue from 233 feet south of the south line of NE Glisan Street to 622 feet south of the south line of NE Glisan Street. Payments for easements are not anticipated, but if such costs are incurred, they will be assessed on a abutting linear footage basis. 100% of other costs at or below \$417,000.00 will be paid by the Portland Development Commission. 59.218289% of other project costs between \$417,000.00 and \$1,157,750.41 will be paid by the NE 97th Avenue Green Street LID for an estimated amount of \$438,659.72. 40.781711% of other project costs between \$417,000.00 and \$1,157,750.41 will be paid by the Portland Development Commission for an estimated amount of \$302,090.69 over and above the \$417,000.00 in fixed funding for a total contribution of \$719,090.69. All other project costs above \$1,157,750.41 will be paid by the Portland Development Commission.
- d. The City Engineer shall prepare plans and specifications for the improvement.

- e. The City Engineer shall arrange for construction of the local improvement project.
- f. Procurement Services within the Bureau of Internal Business 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 NE 97th Avenue Green Street Local Improvement District project. The manner in which the improvements are constructed are at the sole discretion of the City Engineer.
- g. The City Auditor shall obtain interim financing to pay for NE 97th Avenue Green Street Local Improvement District project costs prior to bonding.

Passed by the Council, JUN 02 2010

Mayor Sam Adams  
Prepared by: Andrew Aebi:slg  
Date Prepared: May 10, 2010

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By *Emily Matasar*  
Deputy

Agenda No.  
**ORDINANCE NO. 183849**  
 Title

✓ Create a local improvement district to construct street, sidewalk and stormwater improvements from Glisan St to 74 feet north of Davis St in the NE 97th Avenue Green Street Local Improvement District (Hearing; Ordinance; C-10035)

<p style="text-align: center;"><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>MAYOR SAM ADAMS</b>  <i>R. B. Williams on behalf of Mayor Adams</i>  <b>COMMISSIONER APPROVAL</b></p>	<p>CLERK USE: DATE FILED <u>MAY 21 2010</u></p>
<p>Mayor—Finance and Administration - Adams</p>	<p style="text-align: right;"><i>LaVonne Griffin-Valade</i>          LaVonne Griffin-Valade          Auditor of the City of Portland</p>
<p>Position 1/Utilities - Fritz</p>	<p>By: <u><i>Paula</i></u> Deputy</p>
<p>Position 2/Works - Fish</p>	<p><b>ACTION TAKEN:</b>  <b>MAY 26 2010 PASSED TO SECOND READING JUN 02 2010 9:30 A.M.</b></p>
<p>Position 3/Affairs - Saltzman</p>	<p><i>agreed</i></p>
<p>Position 4/Safety - Leonard</p>	<p><i>5-11-10</i></p>
<p style="text-align: center;"><b>BUREAU APPROVAL</b></p>	<p>Bureau: Bureau of Transportation          Group Manager: Greg Jones          Development &amp; Capital Program          Other:</p>
<p>Prepared by: Andrew Aebi:slg          Date Prepared: May 10, 2010</p>	<p><i>5-11-10</i></p>
<p>Financial Impact Statement          Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>          Not Required <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>Council Meeting Date  <b>May 26, 2010</b></p>	
<p><b>City Attorney Approval</b></p>	

**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. Fritz	1. Fritz	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Leonard	4. Leonard	✓	
Adams	Adams	✓	