

ORDINANCE No. 184090

Create a local improvement district to construct street and stormwater improvements from south of NE Whitaker Way to north of NE Prescott Ct in the NE 136th Ave Phase I Local Improvement District (Hearing; Ordinance; C-10036)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 36803 on July 28, 2010, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NE 136th Avenue Phase I Local Improvement District. The record related to the adoption of Resolution No. 36803 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36803 shall be considered a remonstrance for purposes of Section 17.08.070 of City Code, or for purposes of Section 9-403 of the City Charter.
2. The City Auditor mailed notice of the August 25, 2010 local improvement district formation hearing on August 4, 2010 to the owner of each benefited property within the proposed NE 136th Avenue Phase I 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 136th Avenue Phase I Local Improvement District, the deadline and procedure for filing remonstrances against the formation of the NE 136th Avenue Phase I 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 August 18, 2010.
3. Notices of the local improvement district formation hearing were posted within the NE 136th Avenue Phase I Local Improvement District on August 10, 2010.
4. The Local Improvement District Administrator published notice of the August 25, 2010 local improvement district formation hearing in the Daily Journal of Commerce on August 10, 2010 and on August 11, 2010.
5. The improvements will be constructed on NE 136th Avenue from 80 feet south of the south right-of-way line of NE Whitaker Way to the north property line of 4525 NE 136th Avenue; plus any transition work on abutting street segments, intersections, or adjacent property determined to be necessary by the City Engineer; transition work is anticipated on NE 136th Avenue from the south right-of-way line of NE Whitaker Way to 80 feet south.

6. The general character and scope of the improvement is to remove the existing dirt, gravel and/or hard surface; grade streets to their proper subgrade; construct asphaltic concrete streets with an aggregate base; construct stormwater drainage facilities consisting of curb extensions with water quality treatment facilities; construct sidewalks on both sides of the street; and plant street trees in most locations; 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 136th Avenue Phase I 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 \$956,181.38, including indirect overhead costs 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 136th Avenue Phase I Local Improvement District is \$865,110.60 with the Bureau of Transportation providing funding for overhead costs in the estimated amount of \$91,070.78.
10. The Local Improvement District Administrator has analyzed the financial feasibility of the NE 136th Avenue Phase I 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 136th Avenue Phase I Local Improvement District is at least \$6,459,730 for a future minimum estimated assessment to valuation ratio of 7.5 : 1.
11. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the NE 136th Avenue Phase I Local Improvement District because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
12. Each parcel of land within the NE 136th Avenue Phase I Local Improvement District will receive special benefit from the project in the amounts set forth in Exhibits A and F.
13. The Council has considered the remonstrances made by owners of property to be benefited by the NE 136th Avenue Phase I Local Improvement District project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.

14. Assessments for local improvement districts are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
15. Pursuant to City Code, assessment for the NE 136th Avenue Phase I Local Improvement District will be imposed by a separate and subsequent ordinance.

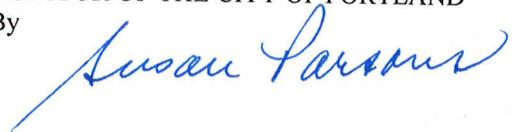
NOW, THEREFORE, the Council directs:

- a. The NE 136th Avenue Phase I Local Improvement District is hereby created as shown in Exhibit C, and the NE 136th Avenue Phase I Local Improvement District includes the properties to be benefited in the amounts identified in Exhibits A and F.
- b. The property owners' estimated share of costs is as shown in Exhibit F. 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.
- 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 136th Avenue Phase I 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 136th Avenue Phase I Local Improvement District project costs prior to bonding.

Passed by the Council, SEP 01 2010

Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: August 12, 2010

LaVonne Griffin-Valade
AUDITOR OF THE CITY OF PORTLAND
By



Deputy

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Agenda No.
ORDINANCE NO. 184090
Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams <i>[Signature]</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones <i>[Signature]</i> Development & Capital Program Other: <i>AHA 8/12/10 [Signature]</i></p> <p>Prepared by: Andrew Aebi:slg Date Prepared: August 12, 2010</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 AUGUST 25, 2010</p> <p>City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>AUG 20 2010</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN: AUG 25 2010 PASSED TO SECOND READING SEP 01 2010 9:30 A.M.</p>
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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	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	