

ORDINANCE No. 184105 As Amended

Create a local improvement district to construct street, sidewalk and stormwater improvements from NE 76th Ave to NE 79th Ave in the NE Alberta St Phase I Local Improvement District (Hearing; Ordinance; C-10037)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 36806 on August 4, 2010, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NE Alberta Street Phase I Local Improvement District. The record related to the adoption of Resolution No. 36806 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36806 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 September 1, 2010 local improvement district formation hearing on August 11, 2010 to the owner of each benefited property within the proposed NE Alberta Street 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 Alberta Street Phase I Local Improvement District, the deadline and procedure for filing remonstrances against the formation of the NE Alberta Street 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 25, 2010.
3. Notices of the local improvement district formation hearing were posted within the NE Alberta Street Phase I Local Improvement District on August 17, 2010.
4. The Local Improvement District Administrator published notice of the September 1, 2010 local improvement district formation hearing in the Daily Journal of Commerce on August 17, 2010 and on August 18, 2010.

5. The improvements will be constructed on NE Alberta Street from the east right-of-way line of NE 76th Avenue to the west property line of 7945 NE Alberta Street, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary the City Engineer; the street will be 20'-wide with curb, sidewalk and drainage on one side of the street where property owners on one side of the street petitioned in favor per the record of Resolution No. 36806; and the street will be 28'-wide with curbs, sidewalks and drainage on both sides of the street where property owners on both sides of the street petitioned in favor per the record of Resolution No. 36806.
6. The general character and scope of the project is to remove the existing dirt, gravel and/or hard surface; grade streets to their proper subgrade; construct an asphaltic concrete street with an aggregate base with a half-street minimum width of 20 feet and/or a full-street maximum width of 28 feet unless a different width is determined to be necessary by the City Engineer; construct stormwater drainage facilities primarily consisting of swales; construct sidewalk, 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 Alberta Street 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 \$791,500.29 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 Alberta Street Phase I Local Improvement District is \$718,483.39 with the Bureau of Transportation providing funding for overhead costs in the estimated amount of \$73,016.90.
10. Stephen Yett, dba Pyco LLC, the owner of properties abutting the north side of NE Alberta Street from NE 76th Avenue to the west property line of 7945 NE Alberta Street, is required by the Bureau of Transportation to dedicate 24 feet of right-of-way. The requirement to dedicate right-of-way was approved by City Council on December 9, 2004 per LU 03-177121 CP ZC when the properties currently titled to Pyco LLC were previously titled under similar ownership to Waybro Partners. The dedication requirement is per the authority in Sections 17.88.020 and 17.88.060 of City Code. 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.

11. The Local Improvement District Administrator has analyzed the financial feasibility of the NE Alberta Street Phase I Local Improvement District and has made a finding that the collective bonding capacity of benefiting properties is sufficient so as to minimize the City of Portland's financial risk associated with this project. The collective real market valuation of benefiting properties included in the NE Alberta Street Phase I Local Improvement District is at least \$1,607,290 for a collective estimated assessment to valuation ratio of 2.2 : 1 as shown on Exhibit F.
12. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the NE Alberta Street 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.
13. Each parcel of land within the NE Alberta Street Phase I Local Improvement District will receive special benefit from the project in the amounts set forth in Exhibit F.
14. The Council has considered the remonstrances made by owners of property to be benefited by the NE Alberta Street Phase I 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 Alberta Street Phase I Local Improvement District will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- a. The NE Alberta Street Phase I Local Improvement District is hereby created as shown in Exhibit C, and the NE Alberta Street 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 with 95.971356% of the project costs assigned to Assessment Zone A on the north side of NE Alberta Street between 76th and 79th Avenues currently estimated at \$689,538.25; and 4.028644% of the project costs assigned to Assessment Zone B on the south side of NE Alberta Street between 76th and 79th Avenues currently estimated at \$28,945.14.

- 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 Alberta Street Phase I Local Improvement District project. The manner in which the improvements are constructed is at the sole discretion of the City Engineer.
- g. The City Auditor shall obtain interim financing to pay for NE Alberta Street Phase I Local Improvement District project costs prior to bonding.

Passed by the Council,

SEP 08 2010

Mayor Sam Adams

Prepared by: Andrew Aebi:slg

Date Prepared: September 1, 2010

LaVonne Griffin-Valade
AUDITOR OF THE CITY OF PORTLAND

By



Deputy

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✓146

Agenda No.
ORDINANCE NO. 184105 As Amended
Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS</p>	<p>CLERK USE: DATE FILED <u>AUG 27 2010</u></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>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i></p> <p>Prepared by: Andrew Aebi:slg Date Prepared: August 20, 2010 <i>ANA 8/20/10</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 SEPTEMBER 1, 2010</p>	<p>ACTION TAKEN:</p> <p>SEP 01 2010 PASSED TO SECOND READING As Amended SEP 08 2010 9:30 A.M.</p>
<p>City Attorney Approval</p>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 10 MIN (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Leonard	✓	
Adams	✓	