

ORDINANCE No. 184506

*Create a local improvement district to construct street, sidewalk and stormwater improvements in the SE 82nd Ave of Roses and Bybee Blvd Local Improvement District (Hearing; Ordinance; C-10039)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 36845 on February 2, 2011, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the SE 82nd Avenue & Bybee Boulevard Local Improvement District. The record related to the adoption of Resolution No. 36845 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36845 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 April 6, 2011 local improvement district formation hearing on March 16, 2011 to the owners of the benefited properties within the proposed SE 82nd Avenue & Bybee Boulevard Local Improvement District. Subsequent to this mailing by the City Auditor, the ownership of Tax Lot 8800 changed from "Nguyen, Thanh Q & Dang, Samantha" as reflected in Exhibit A, to "Dang, Samantha et al". The benefited properties are legally described based on Multnomah County properties tax records as of the filing date of this Ordinance. 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 SE 82nd Avenue & Bybee Boulevard Local Improvement District, the deadline and procedure for filing remonstrances against the formation of the SE 82nd Avenue & Bybee Boulevard Local Improvement District, and the amount of the estimated future assessment on benefited properties as set forth in Exhibit A (attached to the original only). The deadline to submit written remonstrances was at 5:00 PM on March 30, 2011.
3. Notices of the local improvement district formation hearing were posted within the SE 82nd Avenue & Bybee Boulevard Local Improvement District on March 23, 2011.
4. The Local Improvement District Administrator published notice of the April 6, 2011 local improvement district formation hearing in the Daily Journal of Commerce on March 22, 2011 and on March 23, 2011.

5. The improvements will be constructed on SE 82nd Avenue from north right-of-way line of SE Bybee Boulevard to 318 feet north of the north right-of-way line of SE Bybee Boulevard, and on SE Bybee Boulevard from the west right-of-way line of SE 82nd Avenue to 37 feet east of the east right-of-way line of SE 81st Place, plus any transition work on abutting street segments, intersections, and/or adjacent properties determined to be necessary by the City Engineer.
6. Provided that extra work agreements are executed subject to the satisfaction of the Local Improvement District Administrator, City Engineer and City Attorney, the design and construction of the improvement on SE 81st Avenue from 100 feet north of the north right-of-way line of SE Bybee Boulevard to 225 feet north of the north right-of-way line of SE Bybee Boulevard. In the absence of the execution of such extra work agreements, the extent of work on SE 81st Avenue will be limited to collection of survey data only, with no design or construction.
7. The general character and scope of design and construction of the improvement along the west side of SE 82nd Avenue is to construct new curb, planting strip and sidewalk with the possible addition of street trees from the north right-of-way line of SE Bybee Boulevard to 318 feet north of the north right-of-way line of SE Bybee Boulevard in replacement of the existing curb and partial curbtight sidewalk as shown in Exhibit B.
8. The general character and scope of design and construction of improvements along the north side of SE Bybee Boulevard is to widen the street, consisting of removal of the existing dirt, gravel and/or hard surface and constructing an asphaltic concrete surface with an aggregate base; curb; stormwater facility; street trees and sidewalk from the west right-of-way line of SE 82nd Avenue to 37 feet east of the east right-of-way line of SE 81st Place as shown in Exhibit B.
9. Per the conditions in Finding No. 6 of this Ordinance, the general character and scope of the improvement on SE 81st Avenue from 100 feet north of the north right-of-way line of SE Bybee Boulevard to 225 feet north of the north right-of-way line of SE Bybee Boulevard is to widen the street, consisting of removal of the existing dirt, gravel and/or hard surface and constructing an asphaltic concrete surface with an aggregate base; curb; stormwater facility; street trees and sidewalk as shown in Exhibit B.
10. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
11. The boundaries of the SE 82nd Avenue & Bybee Boulevard Local Improvement District shall include the properties as shown in Exhibit C.

12. The Local Improvement District Administrator's estimated cost of designing, constructing and financing the improvements is \$442,447.95 as shown in Exhibit D. 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 SE 82nd Avenue & Bybee Boulevard Local Improvement District is \$442,447.95.
13. The Local Improvement District Administrator has analyzed the financial feasibility of the SE 82nd Avenue & Bybee Boulevard 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 SE 82nd Avenue & Bybee Boulevard Local Improvement District is \$1,413,550 for a collective estimated assessment to valuation ratio of 3.2 : 1 as shown on Exhibit F.
14. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the SE 82nd Avenue & Bybee Boulevard Local Improvement District because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
15. The parcels of land within the SE 82nd Avenue & Bybee Boulevard Local Improvement District will receive special benefit from the project in the amount set forth in Exhibits A and F.
16. The apportionment of benefit as reflected in Exhibit F has changed from the amounts contained in Resolution No. 36845. The properties owners have agreed to these revised amounts as shown in Exhibits G, H and I.
17. The Council has considered the remonstrances made by owners of properties to be benefited by the SE 82nd Avenue & Bybee Boulevard Local Improvement District project, and adopts the summary of remonstrances and findings as set forth in Exhibit J.
18. Passage of this Ordinance provides assurance of performance for required frontage improvements on SE 82nd Avenue and on SE Bybee Boulevard per Section 17.24.055 of City Code.
19. Passage of this Ordinance provides assurance of performance for required frontage improvements on SE 81st Place provided that a separate and subsequent extra work agreement is executed per Finding No. 6 of this Ordinance prior to final assessment of this LID.

20. Assessments for local improvement districts are not subject to the properties tax limitation established by Article XI, Section 11b of the Oregon Constitution.
21. Pursuant to City Code, assessment for the SE 82nd Avenue & Bybee Boulevard Local Improvement District will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- a. The SE 82nd Avenue & Bybee Boulevard Local Improvement District is hereby created as shown in Exhibit C, and the SE 82nd Avenue & Bybee Boulevard Local Improvement District includes the properties to be benefited in the amounts identified in Exhibits A and F.
- b. The properties 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. The 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 SE 82nd Avenue & Bybee Boulevard 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 SE 82nd Avenue & Bybee Boulevard Local Improvement District project costs prior to bonding.

Section 2. The Council declares that an emergency exists because a delay in passage would delay issuance of building permit #06-178621, which in turn would delay remediation of code compliance issues to the existing building at 6919 SE 82nd Avenue; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, APR 06 2011

Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: March 24, 2011

LaVonne Griffin-Valade
Auditor of the City of Portland

By

Erin Matasan

Deputy

- 330 -

Agenda No.
ORDINANCE NO. 184506
Title

*Create a local improvement district to construct street, sidewalk and stormwater improvements in the SE 82nd Ave of Roses and Bybee Blvd Local Improvement District (Hearing; Ordinance; C-10039)

INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Griffithman on behalf of Mayor Adams</i> COMMISSIONER APPROVAL	CLERK USE: DATE FILED <u>APR 01 2011</u>
Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By: <u><i>[Signature]</i></u> Deputy
Position 2/Works - Fish	ACTION TAKEN:
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i> Prepared by: Andrew Aebi:slg Date Prepared: March 24, 2011 <i>AA 3/24/11 DL</i>	
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date April 6, 2011	
City Attorney Approval	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 MIN (for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	