

**SUBSTITUTE**

**3 6 8 9 9**

**RESOLUTION No.**

Declare intent to initiate local improvement district formation proceedings to construct street and stormwater improvements in the NE 112th Ave and Marx St Local Improvement District (Resolution; C-10043)

WHEREAS, valid petitions from owners of properties within the proposed NE 112th Avenue & Marx Street Local Improvement District were filed with the Local Improvement District Administrator as contained in Exhibit A (attached to the original only); and

WHEREAS, the Local Improvement District Administrator has reviewed the petitions attached in Exhibit A and determined all of them to be valid; and

WHEREAS, as set forth in Section 17.08.010 of City Code the Bureau of Transportation is the Responsible Bureau for the proposed improvement, and the Bureau recommends initiation of local improvement district formation proceedings with NE 109th Avenue as the eastern project limit of improvements on NE Marx Street; and

WHEREAS, the petitions contain signatures of owners of property representing a majority of the properties which will be specially benefited by the proposed improvement as evaluated in Exhibit B; and

WHEREAS, the project is located in the Parkrose neighborhood, whose neighborhood association was notified of this project on December 19, 2011; and

WHEREAS, the NE 112th Avenue & Marx Street LID project will eliminate the need for a separate Wellhead Sump Retrofit capital improvement project by the Bureau of Environmental Services (Project Number E07623) involving two nonconforming sumps on the north side of NE Marx Street from NE 109th Avenue to approximately 350 feet east; and

WHEREAS, a code compliance case per case/file number 2010-183065-000-00-CC involving the property located at 5339 NE 112th Avenue is pending, but would be rendered moot by construction of the proposed improvements; and

WHEREAS, formation of the NE 112th Avenue & Marx Street is anticipated to occur on March 7, 2012 and would provide assurance of performance not only for street and stormwater improvements under Section 17.24.055.B.5 of City Code, but would also for the code compliance case per case/file number 2010-183065-000-00-CC and would likely resolve the appeal by Northwest Wood & Fibre Recovery to the Oregon Land Use Board of Appeals appeal related to case/file number LU 11-103374 EN;

NOW, THEREFORE, BE IT RESOLVED, that the local improvement district shall be known as the NE 112th Avenue & Marx Street Local Improvement District and for purposes of the Local Improvement District Formation Hearing as set forth in Section 17.08.070 of City Code, the boundary shall be as shown in the map in Exhibit C; and

BE IT FURTHER RESOLVED, that 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 an asphaltic concrete street with an aggregate base; construct stormwater drainage facilities primarily consisting of stormwater planters or swales and storm sewer to an outfall at the Whitaker Slough; construct sidewalks on both sides of the street; and plant street trees in most locations; and

BE IT FURTHER RESOLVED, the preliminary estimate of the cost of the improvements is \$3,253,031.26 and the Local Improvement District Administrator's level of confidence in the cost estimate for this project as of the filing date of this resolution is "Low" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006, given that project specifications are preliminary; and

BE IT FURTHER RESOLVED, that the assessment methodology of the NE 112th Avenue & Marx Street shall be on an abutting square footage basis, unless this assessment methodology is modified by Council at the Local Improvement District Formation Hearing; and

BE IT FURTHER RESOLVED, that property owners will provide funding estimated at \$2,832,083.13 plus the costs of extra work, if any; and the Bureau of Environmental Services will provide funding estimated at \$100,000.00; and the Bureau of Transportation will provide funding estimated at \$320,948.13 for overhead costs; and

BE IT FURTHER RESOLVED, that the Council intends to construct the project with survey, design and project management by the Bureau of Transportation, and construction of the improvement by the contractor submitting the lowest responsive bid for the improvement; and

BE IT FURTHER RESOLVED, that the Council directs the Local Improvement District Administrator to initiate local improvement district formation proceedings as set forth in Section 17.08.070 of City Code and to schedule a Local Improvement District Formation Hearing on February 29, 2012 at 9:30 AM or on the earliest practicable date thereafter.

Adopted by the Council,

**JAN 25 2012**

Mayor Sam Adams  
Prepared by: Andrew Aebi:slg  
Date Prepared: January 5, 2012

**LaVonne Griffin-Valade**  
AUDITOR OF THE CITY OF PORTLAND  
By

  
Deputy

S-73

SUBSTITUTE

Agenda No.  
**RESOLUTION NO.**

36899

Title

Declare intent to initiate local improvement district formation proceedings to construct street and stormwater improvements in the NE 112th Ave and Marx St Local Improvement District (Resolution; C-10043)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR SAM ADAMS</b> <i>K. Billmann on behalf of Mayor Adams</i>	CLERK USE: DATE FILED <u>JAN 20 2012</u> <u>JAN 20 2012</u> LaVonne Griffin-Valade Auditor of the City of Portland
<b>COMMISSIONER APPROVAL</b>	
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
<b>BUREAU APPROVAL</b>	
Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other	
Prepared by: Andrew Aebi:slg Date Prepared: January 5, 2012	
<b>Financial Impact &amp; Public Involvement Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Council Meeting Date</b> <b>January 25, 2012</b>	
<b>City Attorney Approval</b>	
	By: <i>[Signature]</i> Deputy <b>ACTION TAKEN:</b>

<b>AGENDA</b>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <b>Start time: 9:30 AM</b> <b>Total amount of time needed: 30 MIN</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> <b>Total amount of time needed: _____</b> (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	✓	