

ORDINANCE No. 185244

*Amend the local improvement district boundary and assessment methodology for the NE Alberta Street 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 initiating local improvement district formation proceedings for the NE Alberta Street Phase I Local Improvement District. No part of the record of Resolution No. 36806 shall be considered a remonstrance against amendment of the NE Alberta Street Phase I Local Improvement District for purposes of Section 17.08.070 of City Code, or for purposes of Section 9-403 of the City Charter.
2. The Council adopted Ordinance No. 184105 on September 8, 2010 forming the NE Alberta Street Phase I Local Improvement District. No part of the record of Ordinance No. 184105 shall be considered a remonstrance against amendment of the NE Alberta Street Phase I Local Improvement District for purposes of Section 17.08.070 of City Code, or for purposes of Section 9-403 of the City Charter.
3. The Bureau of Environmental Services requested testing of existing sumps on January 24, 2012. These sumps were tested on February 15, 2012. The Bureau of Environmental Services confirmed on February 23, 2012 that existing sumps were appropriate for stormwater drainage of the NE Alberta Street Phase I Local Improvement District provided that stormwater pipe were constructed to sump number ADQ345 in NE 78th Avenue 156 feet south of the south right-of-way line of NE Alberta Street. This sump is outside the boundary established at Local Improvement District Formation, but will be inside the boundary upon Council passage of this Ordinance.
4. Additional "opt in" support was received from the new owner of the property at 4934 NE 78th Avenue on March 7, 2012 requesting frontage improvements for 83 feet on NE Alberta Street and for 50 feet on NE 78th Avenue. The estimated amount of the future assessment to this property per pending lien number 149570 is now \$25,664.69. This additional "opt in" support necessitates a change to the assessment methodology.

5. The Local Improvement District Administrator mailed notice of the April 4, 2012 Local Improvement District amendment hearing on March 14, 2012 to the owner of each benefited property within the proposed NE Alberta Street Phase I Local Improvement District, including to owners of properties exempted from assessment. The owners of properties were notified of the April 4, 2012 based on Multnomah County property tax records as of February 13, 2012. Each property owner was notified of the time and location of the hearing conducted by the Council, the total estimated project costs, the right and manner to object to the amendment of the NE Alberta Street Phase I Local Improvement District, the deadline and procedure for filing remonstrances against the amendment of the NE Alberta Street Phase I Local Improvement District, and the amount of the estimated future assessment on benefited property. The deadline to submit written remonstrances was at 5:00 PM on March 28, 2012.
5. Notices of the Local Improvement District amendment hearing were posted within the NE Alberta Street Phase I Local Improvement District on March 21, 2012.
6. The Local Improvement District Administrator published notice of the April 4, 2012 amendment hearing in the Daily Journal of Commerce on March 20, 2012 and on March 21, 2012.
7. The Council hearing held on April 4, 2012 is under auspices of Section 17.08.080 of City Code as reflected in the notification of property owners under Findings No. 4, 5 and 6 of this Ordinance.
8. Finding No. 5 of Ordinance No. 184105 is amended to the following:
 - a. The street, sidewalk and stormwater 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, and on NE 78th Avenue from 350 feet north of NE Wygant Street to the south right-of-way line of NE Alberta Street plus any transition work on abutting street segments, intersections and/or adjacent property determined to be necessary by the City Engineer.
 - b. The street widths will range from 20' to 26' wide with curbs on both sides of NE Alberta Street and on NE 78th Avenue.
 - c. Sidewalks and curb ramps will be constructed on the north side only of NE Alberta Street from the east right-of-way line of NE 76th Avenue to 100 feet west of the west right-of-way line of NE 78th Avenue; and from 83 feet east of the east right-of-way line of NE 78th Avenue to the east property line of 7945 NE Alberta Street. Future sidewalk and curb ramps on NE Alberta Street as well as street and stormwater frontage improvements on abutting north-south streets will be the financial responsibility of property owners whose final assessment amounts for the NE Alberta Phase I Local Improvement District are zero.

- d. Sidewalks and curb ramps will be constructed on both sides of NE Alberta Street from 100 feet west of the west right-of-way line of NE 78th Avenue to 83 feet east of the east right-of-way line of NE 78th Avenue; and on both sides of NE 78th Avenue from 350 feet north of the north right-of-way line of NE Wygant Street to the south right-of-way line of NE Alberta Street.
 - e. A stormwater pipe will be constructed to serve an existing sump in NE 78th Avenue right-of-way 156 feet south of the south right-of-way line of NE Alberta Street to properly drain the NE 78th Avenue & Alberta Street intersection.
- 9. Finding No. 8 of Ordinance No. 184105 is amended to adjust the right-of-way boundary to also include 106 feet of the right-of-way of NE 78th Avenue from 200 feet north of the north right-of-way line of NE Wygant Street to 50 feet south of the south right-of-way line of NE Alberta Street as shown on the March 2012 map shown on the second page of Exhibit A.
 - 10. Finding No. 9 of Ordinance No. 184105 is amended to increase the cost of designing, constructing and financing the improvements as well as the amount of the estimated Local Improvement District assessments from \$791,500.29 to \$817,164.98 not including utility relocation costs that may be incurred by utilities, or for right-of-way costs that may be incurred.
 - 11. Finding No. 9 of Ordinance No. 184105 is also amended to increase the amount of the future assessment for the NE Alberta Street Phase I Local Improvement District from \$718,483.39 to \$744,148.08 per Finding No. 4 of this Ordinance.
 - 12. Finding No. 11 of Ordinance No. 184105 is amended to state that the collective real market valuation of benefiting properties included in the NE Alberta Street Phase I Local Improvement District is at least \$5,779,160 for a collective real market valuation assessment to estimated assessment ratio of 7.8 : 1.
 - 13. The remonstrance level is evaluated in Exhibit B. Council retains jurisdiction over the amendment 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.
 - 14. Each parcel of land with in the NE Alberta Street Phase I Local Improvement District will receive special benefit from the project in the shaded amounts set forth in Exhibit B.
 - 15. 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 C.

16. 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 "Moderate" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006 given that project specifications are not yet complete.

NOW, THEREFORE, the Council directs:

- a. That the boundary of the NE Alberta Street Phase I Local Improvement District is hereby amended as shown on the March 2012 map as shown on the second page of Exhibit A.
- b. Properties shall be assessed on an abutting linear footage basis:
 - i. 92.661430% of the project costs except for right-of-way acquisition will be assigned to Assessment Zone A on the north side of NE Alberta Street between NE 76th Avenue and NE 79th Avenue currently estimated at \$689,538.25 excluding right-of-way acquisition costs.
 - ii. 7.338570% of the project costs except for right-of-way acquisition will be assigned to Assessment Zone A on the north side of NE Alberta Street between NE 76th Avenue and NE 79th Avenue currently estimated at \$54,609.83 excluding right-of-way acquisition costs.
 - iii. All right-of-way costs not yet estimated will be assigned to Assessment Zone A on the north side of NE Alberta Street between NE 76th Avenue and NE 79th Avenue.
- c. A requirement to hold a hearing subsequent to passage of this Ordinance under Section 17.08.080 of City Code to assess properties in Assessment Zone A for right-of-way acquisition costs is hereby waived.
- d. The City Auditor shall update the estimated assessment amount of pending lien record number 149570 from zero to \$25,664.69 per Finding No. 4 of this Ordinance.

Section 2. The Council declares that an emergency exists since the boundary must be amended in advance of advertising for bids on or after April 23, 2012 for the construction contract; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

APR 04 2012

Mayor Sam Adams
Prepared by: Andrew Aebi:slg
Date Prepared: March 19, 2012

LAVONNE GRIFFIN-VALADE

Auditor of the City of Portland

By

Gary Jennings

Deputy

Agenda No.
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Estmann on behalf of Mayor Adams</i> COMMISSIONER APPROVAL	CLERK USE: DATE FILED <u>MAR 30 2012</u> <i>LaVonne Griffin-Valade</i> LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	
Bureau: Bureau of Transportation	
Group Manager: Greg Jones	
Development & Capital Program	
Other: <i>Greg Jones</i>	
Prepared by: Andrew Aebi:slg 3/21/12	
Date Prepared: March 19, 2012 <i>ANA</i>	
Financial Impact & Public Involvement 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 4, 2012	
City Attorney Approval	
	By: <i>[Signature]</i> Deputy
	ACTION TAKEN:

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)
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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"/>	