

ORDINANCE No. 185598

Assess benefited properties for sanitary sewer improvements in the Royal Highlands Phase II Local Improvement District (Hearing; Ordinance; C-10033)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the Royal Highlands Phase II Local Improvement District (LID) by the passage of Resolution No. 36680 on February 18, 2009 at which time it declared its intent to initiate local improvement district formation proceedings and established the name of the local improvement district.
2. The Council approved formation of the Royal Highlands Phase II Local Improvement District by the passage of Ordinance No. 182650 on April 8, 2009.
3. The assessment formula is on a square footage basis under the auspices of the Party Line Sewer Program and Administrative Rule #ENB-4.06, with an estimated rate at LID formation of \$1.83 per assessable square foot and an actual rate of \$1.40 per assessable square foot at final assessment, including payments for easements. The assessment worksheet is as shown in Exhibit A.
4. The record related to the adoption of Resolution No. 36680 and of Ordinance No. 182650 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36680 nor of Ordinance No. 182650 shall be considered an objection to final assessment for purposes of Section 17.08.130 of City Code, nor for purposes of Section 9-405 of the City Charter.
5. Completion of this local improvement work fulfills all requirements for properties to connect to a public sanitary sewer system except for properties included within the boundary of the Royal Highlands Phase II Local Improvement District but whose final assessment amounts are zero (otherwise known as "opt out" properties). Completion of this project does not fulfill any similar such requirements for the "opt out" properties.
6. The total cost of the project is \$249,556.50 as shown in Exhibit B. The property owners' share for this project is \$133,569.64. Additional funding was provided by the Bureau of Environmental Services in the amount of \$115,986.86.
7. The sanitary sewer improvements were completed on February 8, 2012 by Iron Mountain Excavating as indicated in Exhibit C. The project has been constructed as provided in the plans and specifications adopted.

8. The City Auditor mailed notice of the August 29, 2012 final assessment hearing to owners of benefited properties within the local improvement district on August 1, 2012. The hearing was originally scheduled for August 22, 2012 but was postponed to August 29, 2012. A subsequent mailing from the Local Improvement District Administrator on August 15, 2012 notified property owners of the one week delay in the final assessment hearing as well as the deadline for submitting objections to final assessment. 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 final assessment hearing conducted by the Council; the total project costs, the deadline and procedure for filing objections to the final assessment of the local improvement district; and the amount of the proposed final assessment on benefited properties as set forth in Exhibit D (attached to the original only). The deadline to file objections to final assessment was extended from 5:00 PM on August 22, 2012 to 5:00 PM on August 29, 2012.
9. The Council has considered any and all objections made by owners of benefited properties. The Council accepts the summary of objections and findings as set forth in Exhibit E and adopts these findings as its own.
10. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibits A and F. The assessment amount for pending lien number 146441 was initially proposed for a final assessment amount of \$5,040.36 as shown in Exhibit D but instead will have a final assessment amount of zero as shown in Exhibit F. This and other vacant properties being assessed a zero amount will be subject to system development charges at the then-current rate upon future development.
11. The Local Improvement District Administrator submitted for publication two notices of the local improvement district August 22, 2012 final assessment hearing in the Daily Journal of Commerce on August 7, 2012 and on August 8, 2012. Notice of postponement of the final assessment hearing to August 29, 2012 was published in the Daily Journal of Commerce on August 20, 2012.
12. This Ordinance provides for assessment of benefited properties for local improvements. Assessments for local improvements are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
13. In the event of any finding or any directive within this Ordinance conflicting with any prior Council action involving this local improvement district, the finding or directive within this Ordinance shall prevail.
14. The Local Improvement District Administrator's level of confidence in the cost estimate for this project is "High" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006 because the project is complete.

NOW, THEREFORE, the Council directs:

- a. That any and all objections received are overruled and the assessment roll contained in Exhibit F of this Ordinance is hereby approved and adopted.
- b. The City Auditor to enter the assessments as shown in Exhibit F in the Docket of City Liens.

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- c. The City Auditor to mail final assessment notices to all owners of benefited properties as set forth in Exhibit F.

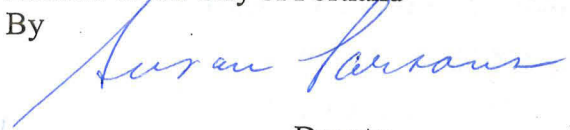
Passed by the Council,
Dan Saltzman
Commissioner of Public Affairs

SEP 05 2012

Matt Hickey/Andrew Aebi
August 14 , 2012
E08888

LaVonne Griffin-Valade
Auditor of the City of Portland

By



Deputy

882281

Agenda No.
ORDINANCE NO. 185598
 Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: COMMISSIONER DAN SALTZMAN</p>	<p>CLERK USE: DATE FILED <u>AUG 24 2012</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman <i>DS</i></p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p style="font-size: 2em; color: blue;">LGV</p> <p>By: _____ Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Bureau of Environmental Services Bureau Head: Dean Marriott <i>Will Ryan for Dean</i> <i>AAA 8/15/12</i></p> <p>Prepared by: Andrew Aebi Date Prepared: 8/14/12</p>	<p>ACTION TAKEN:</p> <p style="font-size: 1.2em; font-weight: bold;">AUG 29 2012 PASSED TO SECOND READING SEP 05 2012 9:30 A.M.</p>
<p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 29, 2012 9:30 AM</p>	
<p>City Attorney Approval <i>JRS</i></p>	

AGENDA

TIME CERTAIN

Start time: _____

Total amount of time needed: _____
 (for presentation, testimony and discussion)

CONSENT

REGULAR 5

Total amount of time needed: 10 minutes
 (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	✓	