

ORDINANCE No. 185962

Create a local improvement district to construct street, sidewalk and stormwater improvements in the NE 52nd Ave and Alberta St Local Improvement District (Hearing; Ordinance; C-10045)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37003 on February 27, 2013, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NE 52nd Avenue & Alberta Street Local Improvement District. In the event of any finding or any directive within this Ordinance conflicting with Resolution No. 37003 involving this local improvement district, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37003 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37003 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.
3. The City Auditor mailed notice of the March 27, 2013 local improvement district formation hearing on March 6, 2013 to the owners of the benefited properties within the proposed NE 52nd Avenue & Alberta Street Local Improvement District. 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 NE 52nd Avenue & Alberta Street Local Improvement District, the deadline and procedure for filing remonstrances against the formation of the NE 52nd Avenue & Alberta Street 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 20, 2013.
4. Notices of the local improvement district formation hearing were posted within the NE 52nd Avenue & Alberta Street Local Improvement District on March 12, 2013.
5. The Local Improvement District Administrator published notice of the March 27, 2013 local improvement district formation hearing in the Daily Journal of Commerce on March 11 and March 13, 2013.
6. The improvements will be constructed on the east side of NE 52nd Avenue from 85 feet north of Wygant Street to the south right-of-way line of NE Alberta Street and on the south side of NE Alberta Street from the east right-of-way line of NE 52nd Avenue to 265 feet west of NE 55th Avenue; plus any transition work on abutting street segments, intersections, and/or adjacent properties determined to be necessary by the City Engineer.

7. Additional improvements within the local improvement district to the west side of NE 52nd Avenue, to the north side of NE Alberta Street, or to NE Alberta Court will be made only if Portland Parks and Recreation is no longer bearing the entire cost of the NE 52nd Avenue & Alberta Street LID. This scope change will be made only if:
 - a. The owner(s) of properties abutting such street frontages elect to sign an Extra Work Agreement for their frontage(s) to be improved as anticipated during the petition phase of the NE 52nd Avenue & Alberta Street LID; or
 - b. City Council approves a scope change under Section 17.08.080 of City Code with fewer than 60% of properties remonstrating against the change, irrespective of whether owner(s) of properties abutting such street frontages have elected to sign an Extra Work Agreement for their frontage(s) to be improved.
8. The general character and scope is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater management facilities; construct sidewalks on one side of the street; and plant street trees in most locations as shown in Exhibit B. Stormwater elements of the project scope will be compliant with Administrative Rule ENB-4.01 adopted by the Bureau of Environmental Services in August 2008. Sidewalk elements of the project scope reflect traffic volumes in excess of 500 trips per day; adjacency to a future park site; and both street frontages on a recommended Safe Routes to Schools route to Rigler Elementary School, which is less than 350 feet outside the LID boundary.
9. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
10. The boundaries of the NE 52nd Avenue & Alberta Street Local Improvement District shall include the properties as shown in Exhibit C, which supersedes Exhibit C of Resolution No. 37003 adopted by Council on February 27, 2013 with eleven fewer properties included within the LID boundary.
11. The Local Improvement District Administrator's estimated cost of designing, constructing and financing the improvements is \$525,583.53 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 NE 52nd Avenue & Alberta Street Local Improvement District is \$525,583.53.

12. The Local Improvement District Administrator has analyzed the financial feasibility of the NE 52nd Avenue & Alberta Street 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 property to be assessed is owned by Portland Parks and Recreation, which has budgeted system development charge revenue to fund this project. Portland Parks and Recreation will be eligible to finance up to one-half of the current real market valuation of its property at final assessment.
13. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the NE 52nd Avenue & Alberta Street Local Improvement District because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
14. The parcels of land within the NE 52nd Avenue & Alberta Street Local Improvement District will receive special benefit from the project in the amounts set forth in Exhibits A and F.
15. The Council has considered the remonstrances made by owners of properties to be benefited by the NE 52nd Avenue & Alberta Street Local Improvement District project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.
16. Passage of this Ordinance provides assurance of performance for required street and stormwater frontage improvements on NE 52nd Avenue and NE Alberta Street for the property owned by Portland Parks and Recreation as of the filing date of this Ordinance, but not for residential properties not proposed for assessment unless owner(s) of such properties sign Extra Work Agreement(s) to improve these properties' frontage(s).
17. Assessments for local improvement districts are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
18. Pursuant to City Code, assessment for the NE 52nd Avenue & Alberta Street Local Improvement District will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- a. The NE 52nd Avenue & Alberta Street Local Improvement District is hereby created as shown in Exhibit C and the NE 52nd Avenue & Alberta Street 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 a square footage basis on a zoned basis, with the property with open space zoning in the Parks Assessment Zone and properties with residential zoning in the "Residential Assessment Zone". The estimated assessment rate for the Residential Assessment Zone will be zero unless one or more Extra Work Agreement(s) are signed by property owner(s).
- 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 52nd Avenue & Alberta Street 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 52nd Avenue & Alberta Street Local Improvement District project costs prior to bonding.
- h. The Bureau of Transportation is authorized to incur expenditures for this project and the City Auditor is authorized to reimburse such expenditures from the Local Improvement District Fund.
- i. The Local Improvement District Administrator is authorized to negotiate Extra Work Agreements to finance, design and construct frontage improvements for properties within the local improvement district boundary which are west of NE 52nd Avenue or north of NE Alberta Street provided that:
- i. The City Engineer has determined the additional work to be technically feasible; and
 - ii. The Extra Work Agreement has been approved as to form by the City Attorney.

Passed by the Council,

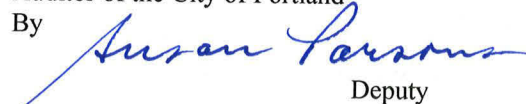
APR 03 2013

Mayor Charlie Hales
Prepared by: Andrew Aebi:slg
Date Prepared: 3/08/13

LaVonne Griffin-Valade

Auditor of the City of Portland

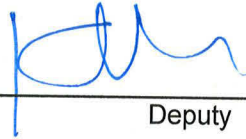
By


Deputy

890281

Agenda No.
ORDINANCE NO. 185962
Title

Create a local improvement district to construct street, sidewalk and stormwater improvements in the NE 52nd Ave and Alberta St Local Improvement District (Hearing; Ordinance; C-10045)

INTRODUCED BY Commissioner/Auditor: MAYOR CHARLIE HALES	CLERK USE: DATE FILED <u>MAR 22 2013</u>
COMMISSIONER APPROVAL	<p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN:</p> <p>MAR 27 2013 PASSED TO SECOND READING APR 03 2013 9:30 A.M.</p>
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick	
BUREAU APPROVAL	
Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other:	
Prepared by: Andrew Aebi:slg Date Prepared: March 8, 2013	
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 MARCH 27, 2013	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

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	✓	
2. Fish	2. Fish	✓	
3. Saltzman	3. Saltzman	✓	
4. Novick	4. Novick	✓	
Hales	Hales	✓	