

ORDINANCE No. 186336

Assess benefited properties for street, sidewalk and stormwater improvements in the NE Alberta St Phase I Local Improvement District (Hearing; Ordinance; C-10037)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NE Alberta Street Phase I Local Improvement District (LID) by the passage of Resolution No. 36806 on August 4, 2010 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 NE Alberta Street Phase I LID by the passage of Ordinance No. 184105 on September 8, 2010.
3. The Council amended the NE Alberta Street Phase I LID boundary and assessment methodology with the passage of Ordinance No. 185244 on April 4, 2012, which expanded the project scope to include improvements to also include the right-of-way of NE 78th Avenue from 343 feet north of the north right-of-way line of NE Wygant Street to the south right-of-way line of NE Alberta Street.
4. The assessment formula is on an abutting linear footage basis with:
 - a. 92.661430% of the project costs except for right-of-way acquisition 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.
 - b. 7.338570% of the project costs except for right-of-way acquisition assigned to Assessment Zone B on the south 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.
 - c. All right-of-way costs are assigned to Assessment Zone A on the north side of NE Alberta Street between NE 76th Avenue and NE 79th Avenue.
5. The record related to the adoption of Resolution No. 36806 and of Ordinance Nos. 184105 and 185244 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36806 nor of Ordinance Nos. 184105 or 185244 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.

6. The Chief Procurement Officer awarded the construction contract to Portland Excavating Inc. with the acceptance of the Procurement Report for Bid No. 114620 under authority delegated by the Council. The City subsequently entered into Contract No. 30002868 with Portland Excavating Inc on September 13, 2012.
7. The 1,050 centerline feet of street, sidewalk and stormwater improvements (943 centerline feet on NE Alberta Street and 107 centerline feet on NE 78th Avenue) were substantially completed on April 10, 2013 as indicated in Exhibit A. The project has been constructed as provided in the plans and specifications adopted.
8. The total cost of the project is \$1,002,385.49 as shown in Exhibit B based on items of work as shown in Exhibit C. The property owners' share for this project is \$879,931.53.
9. The City Auditor mailed notice of the November 13, 2013 final assessment hearing to owners of benefited properties within the local improvement district on October 23, 2013 in the amount of \$893,514.01. 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 at 5:00 PM on November 6, 2013.
10. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibit E for a combined assessment of \$879,931.53, for a reduction of \$13,582.48 in additional overhead costs from the combined assessment amount shown in Exhibit D, which are being funded by the Portland Bureau of Transportation.
11. The following adjustments are being made from the amounts notified for proposed final assessment in Exhibit D as reflected in the revised final assessment amounts shown in Exhibit E:
 - a. Pending lien #149568 is decreased by \$528.31 from \$27,159.95 to \$26,631.64.
 - b. Pending lien #149570 is decreased by \$468.43 from \$24,085.00 to \$23,616.57.
 - c. Pending lien #149576 is decreased by \$4,457.72 from \$298,320.47 to \$293,862.75.
 - d. Pending lien #149578 is decreased by \$2,148.78 from \$143,815.69 to \$141,666.91.
 - e. Pending lien #149579 is decreased by \$5,979.24 from \$400,132.90 to \$394,153.66.

12. The Local Improvement District Administrator submitted for publication two notices of the local improvement district final assessment hearing in the Daily Journal of Commerce on October 28, 2013 and on October 30, 2013.
13. Completion of this local improvement fulfills all NE Alberta Street abutting frontage improvement requirements on the north side of the street from the east right-of-way line of NE 76th Avenue to the west property line of 7945 NE Alberta Street for which a waiver of remonstrance against formation of a local improvement district would be required in lieu of constructing required frontage improvements under a permit.
14. Completion of this local improvement also fulfills all NE Alberta Street abutting frontage improvement requirements on the south side of the street from the west property line of 4935 NE 78th Avenue to the east property line of 4934 NE 78th Avenue for which waivers of remonstrance against formation of a local improvement district would be required in lieu of constructing required frontage improvements under a permit. Street trees could not be planted along these properties, NE Alberta Street frontages due to the proximity of the tree(s) to an existing water main, which the Portland Water Bureau elected not to relocate. The current or future owner of these properties will not be required to relocate the existing water main in order to plant street tree(s); however if the water main is relocated at the expense of the City or at the expense of owners of other properties in this LID for which the final assessment amount in Exhibit E is zero, future planting of street tree(s) may be required as a condition of development.
15. Completion of this local improvement also fulfills all NE 78th Avenue abutting frontage improvement requirements on the west side of the street from the south right-of-way line of NE Alberta Street to the south property line of 4935 NE 78th Avenue for which a waiver of remonstrance against formation of a local improvement district would be required in lieu of constructing required frontage improvements under a permit. Completion of this local improvement also fulfills all NE 78th Avenue abutting frontage improvement requirements on the east side of the street from the south right-of-way line of NE Alberta Street to the south property line of 4934 NE 78th Avenue for which a waiver of remonstrance against formation of a local improvement district would be required in lieu of constructing required frontage improvements under a permit.
16. Properties for which a final assessment amount is zero as identified in Exhibit E have a future financial obligation to construct new sidewalk and may also have a condition to plant street trees as a condition of development.
17. 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 F and adopts these findings as its own.
18. 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.

19. 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.
20. 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 E of this Ordinance is hereby approved and adopted.
- b. The City Auditor to enter the assessments as shown in Exhibit E in the Docket of City Liens.
- c. The City Auditor to mail final assessment notices to all owners of benefited properties as set forth in Exhibit E.
- d. Future segregation of assessments will be on a square footage basis.

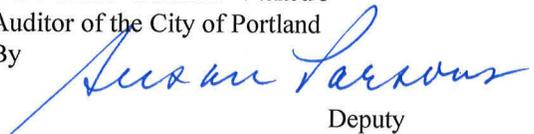
Passed by the Council, NOV 20 2013

Commissioner Steve Novick
Prepared by: Andrew Aebi:slg
Date Prepared: October 29, 2013

LaVonne Griffin-Valade

Auditor of the City of Portland

By



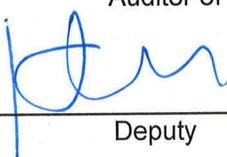
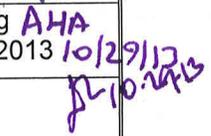
Deputy

~~1082-1101~~

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Agenda No. **186336**
ORDINANCE NO. 186336
Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>NOV 08 2013</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland By:  Deputy
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety – Novick 	ACTION TAKEN:
BUREAU APPROVAL	NOV 13 2013 PASSED TO SECOND READING NOV 20 2013 9:30 A.M.
Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program 	
Prepared by: Andrew Aebi:slg Date Prepared: October 29, 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 NOVEMBER 13, 2013
City Auditor Office Approval: required for Code Ordinances	City Auditor Office Approval: required for Code Ordinances
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter

AGENDA

TIME CERTAIN
 Start time: _____

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

CONSENT

REGULAR
Total amount of time needed: 10 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. Novick	4. Novick	<input checked="" type="checkbox"/>	
Hales	Hales	<input checked="" type="checkbox"/>	