

ORDINANCE No. 186504 As Amended

Assess benefited properties for improvements in the Portland Streetcar Loop Extension Local Improvement District (Hearing; Ordinance; C-10025)

The City of Portland ordains:

Section 1. The Council finds:

1. The City Council stated its intent to initiate the formation of the Portland Streetcar Loop Extension Local Improvement District to construct the improvements necessary to provide new Portland Streetcar service from the Pearl District in Northwest Portland through the Lloyd District to the Central Eastside terminating at the Oregon Museum of Science and Industry (OMSI) by the adoption of Resolution No. 36516 on June 27, 2007.
2. The City Council then approved the formation of the Portland Streetcar Loop Extension Local Improvement District (Loop LID) on September 6, 2007, by the passage of Ordinance No. 181265, as Amended.
3. The LID boundaries are as set forth in Exhibit A, attached to this ordinance.
4. The total project costs are \$148.3 million as shown in Exhibit B and the Portland Streetcar Loop Extension project was constructed in accordance with approved plans and specifications.
5. The property owners' share for this project total is \$15.0 million. The Loop LID assessment methodology passed by Council Ordinance No. 181265 provided that the total assessment be distributed among property owners in relation to their respective Real Market Values (RMVs) as determined by the Multnomah Assessor's office; proximity to the Streetcar alignment (Zones A and B); and use (Commercial, Industrial and Residential); but not less than an alternative minimum land area assessment of \$0.60/SF.
6. In computing the final assessments, it was found by the Portland Bureau of Transportation (PBOT) that the current RMVs for properties in the LID obtained from Multnomah County property data vary, in some cases significantly, from the RMVs current as of March 2007 and used in estimating the preliminary assessments in 2007. Some RMVs have decreased and many have increased.
7. Accordingly, it is proposed that the current RMVs be adjusted to more equitably distribute the assessment burden in accordance with the special project benefits contemplated when the Loop LID was formed in 2007. The adjustment will be as follows: the current 2013 RMV of each property used to compute its final assessment will be adjusted as the average of the RMV used to calculate its 2007 preliminary assessment and its current RMV, with increases and reductions for individual properties limited to 30% of its 2007 RMV.

8. Portland City Code 17.08.070.D.7 states “Upon City Council’s passage of an ordinance forming a local improvement district, the assessment formula may not be changed notwithstanding concurrence among the property owner(s), nor can the assessment obligation be transferred to a property not included in the local improvement district. No release of obligation shall be made by the City Auditor until after final assessment is made.” The legislative intent of this provision is that only Council, not property owners, may modify the assessment methodology. To the extent this code section could be read to limit the Council’s authority to modify the assessment methodology and more equitably apportion the assessments to reflect special benefit, Council waives the code section for this LID.
9. The adjusted real market values and property land areas used in computing assessments will be further adjusted as called for by the Council-adopted methodology: properties in LID Zone A: 100%, and; Properties in LID Zone B: 50%; properties in a zone designated as Industrial Sanctuary in Portland’s Comprehensive Plan: 67% of the LID Zone A or B real market value and land area; and properties primarily in residential uses, regardless of zoning: 50% of the LID Zone A or B real market value and land area.
10. Owner-occupied residences in Residential Zones R1 or R2, public rights-of-way, railroad, and federally owned properties are exempt.
11. Each property within the LID boundary and the assessment amount is set forth in Exhibit C, attached to the original of this Ordinance only. Each property is specially benefited in the amount shown in the assessment roll.
12. On February 6, 2014, PBOT mailed notice of the March 12, 2014, final assessment hearing to owners of benefited property within the LID. Each property owner received a notification that stated the amount of the total proposed final assessment and the property owner’s share, as well as the methodology for calculating that share, of the total proposed final assessment. They also received notification of the time and location of the final assessment hearing conducted by Council and the deadline and procedure for filing objections to the final assessment of the LID. The deadline to file objections to the final assessment was at 5:00 p.m. (PST) on March 5, 2014.
13. PBOT submitted for publication two notices of the LID final assessment hearing in the *Daily Journal of Commerce Portland Oregon* on February 21 and February 24, 2014.
14. 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 D and adopts these findings as its own.
15. 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.

16. In the event any finding or any directive within this Ordinance conflicts with any prior Council action involving this LID, the finding or directive from this Ordinance shall prevail.

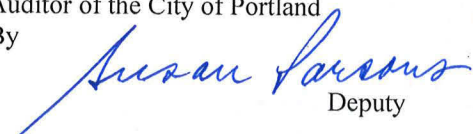
NOW, THEREFORE, the Council directs:

- a. That, if applicable, Portland City Code 17.08.070.D.7. is hereby waived to allow adjustment of the calculation of assessment amounts approved by this Ordinance for the Portland Streetcar Loop Extension Local Improvement District.
- b. That any and all objections received are overruled and the assessment roll contained in Exhibit C to this Ordinance is hereby approved and adopted.
- c. The City Auditor to enter the assessment in the Docket of City Liens.
- d. The City Auditor to mail final assessment notices to all owners of benefited properties as set forth in Exhibit C.

Passed by the Council, **MAR 19 2014**

Commissioner Steve Novick
Prepared by: Kathryn Levine:slg
Date Prepared: February 14, 2014

LaVonne Griffin-Valade
Auditor of the City of Portland
By


Deputy

Agenda No. **ORDINANCE NO. 186504** As Amended
Title

Assess benefited properties for improvements in the Portland Streetcar Loop Extension Local Improvement District (Hearing; Ordinance; C-10025)

<p>INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety – Novick <i>aw</i></p> <p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Interim Group Mgr. Christine Leon Development & Capital Program Other: Greg Jones <i>g Jones</i></p> <p>Prepared by: Kathryn Levine:slg Date Prepared: February 14, 2014</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 MARCH 12, 2014</p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p>	<p>CLERK USE: DATE FILED <u>MAR 07 2014</u></p> <p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p> <p style="text-align: center;">As Amended MAR 12 2014 - CONTINUED TO MAR 19 2014 10:00 AM <i>Time Certain</i></p>
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AGENDA *26f2*

TIME CERTAIN
Start time: 2:00
Total amount of time needed: 1hr
(for presentation, testimony and discussion)

CONSENT

REGULAR
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 <input checked="" type="checkbox"/>	
2. Fish	2. Fish <input type="checkbox"/>	
3. Saltzman	3. Saltzman <input checked="" type="checkbox"/>	
4. Novick	4. Novick <input checked="" type="checkbox"/>	
Hales	Hales <input checked="" type="checkbox"/>	