

ORDINANCE No. 186508 As Amended

*Assess benefited properties for street, sidewalk and stormwater improvements to NE 97th Ave and to NE Everett Ct in the NE 97th Ave Green Street Local Improvement District (Hearing; Ordinance; C-10035)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NE 97th Avenue Green Street Local Improvement District (LID) by the passage of Resolution No. 36783 on April 28, 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 97th Avenue Green Street Local Improvement District by the passage of Ordinance No. 183849 on June 2, 2010.
3. The Council approved project funding from the Portland Development Commission by the passages of Ordinance No. 184505 on April 6, 2011 and Ordinance No. 184861 on September 14, 2011. The Council approved project funding from the Oregon Department of Transportation with the passage of Ordinance No. 184504 on April 6, 2011.
4. The Council approved a minor scope change to the NE 97th Avenue Green Street LID project with the passage of Ordinance No. 186017 on May 8, 2013.
5. Council actions with respect to NE Everett Court have alternatively referenced the street name as "NE Flanders Street" and as "NE Everett Place." All references to "NE Flanders Street" and "NE Everett Place" are superseded by the official street name of "NE Everett Court" by the passage of Ordinance No. 186401 on January 2, 2014.
6. The assessment formula is on an abutting linear footage basis, with an estimated rate at LID formation of \$546.28 per assessable abutting linear foot and an actual rate of \$458.78 per assessable abutting linear foot at final assessment excluding the costs of extra work. The assessment amounts are adopted as shown in Exhibit A.
7. The record related to the adoption of Resolution No. 36783 and of Ordinance Nos. 183849, 184504, 184505, 184861, and 186017 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36783 nor of Ordinance Nos. 183849, 184504, 184505, 184861, and 186017 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.

8. The Council awarded the first of two construction contracts to R & R General Contractors, Inc. with the acceptance of the Procurement Report for Bid No. 112945 on April 28, 2011. The City subsequently entered into Contract No. 30002118 with R & R General Contractors, Inc. on June 10, 2011.
9. The Council awarded the second of two construction contracts to Kodiak Pacific Construction Co. with the acceptance of the Procurement Report for Bid No. 114576 on July 12, 2012. The City subsequently entered into Contract No. 30002862 with Kodiak Pacific Construction Co. on September 12, 2012.
10. The 753 centerline feet of street improvements to NE 97th Avenue and the 300 centerline feet of street improvements to NE Everett Court were constructed in two phases. The first phase was substantially completed on November 10, 2011 as indicated in Exhibit B. The second phase was substantially completed on March 18, 2013 (except streetlights) and on December 17, 2013 (streetlights) as indicated in Exhibit C. The project has been constructed as provided in the plans and specifications adopted. The 76 feet of half-street improvements to NE 97th Avenue and the 300 feet of half-street improvements to NE Everett Court were funded by Extra Work Agreements, extending the original limits of the project at LID formation.
11. Completion of this local improvement core work fulfills all NE 97th Avenue abutting frontage improvement requirements on the west side of the street from the north right-of-way line of NE Davis Street to the south line of NE Glisan 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. However, completion of this project does not fulfill any similar such abutting frontage improvement requirements for the NE Davis Street right-of-way west of NE 97th Avenue.
12. Completion of this local improvement core work fulfills all NE 97th Avenue abutting frontage improvement requirements on the east side of the street from 331 feet south of the south right-of-way line of NE Everett Court to the south line of NE Glisan 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.
13. Completion of this local improvement core work fulfills all NE Everett Court abutting frontage improvement requirements on the south side of the street from the east right-of-way line of NE 97th Avenue to the west right-of-way line of NE 99th 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.
14. Completion of this project does not fulfill any similar such abutting frontage improvement requirements for the future westbound connection of NE Everett Court from NE 97th Avenue to NE 99th Avenue, which will be the future financial responsibility of the property with State ID #1N2E33DA 9300, Tax Account # R493600730, Property ID #R206580 addressed as 9750 NE Glisan Street with an area of 69,395 square feet, more or less.

15. Completion of this local improvement core work does not fulfill any NE 99th Avenue abutting frontage improvement requirements on the west side of the 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.
16. The total cost of the project is \$1,744,958.01 as shown in Exhibit D based on items of work as shown in Exhibit E. The property owners' share for this project is \$526,019.97. Additional funding consists of the following:
 - a. A right-of-way donation was provided by property owner Gordon C. Jones valued by appraisal at \$140,500.00.
 - b. Electrical undergrounding improvements were provided by Pacific Power in the amount of \$34,313.95.
 - c. Project funding was provided by the Bureau of Environmental Services in the amount of \$417,000.00.
 - d. Project funding by the Oregon Department of Transportation in the amount of \$50,000.00 for improvements benefiting the Interstate 205 Multiuse Path.
 - e. Project funding by the Portland Development Commission in the amount of \$315,506.07.
 - f. System development charge (SDC) funding from the Portland Bureau of Transportation in the amount of \$261,618.02 for the capacity increase afforded by the new NE Everett Court connection from NE 97th Avenue to NE 99th Avenue; eligible for a 65.0% SDC match and funded with a 64.7% match.
 - g. The Tri-County Metropolitan Transportation District of Oregon made an additional in-kind contribution in assisting with electrical undergrounding improvements, the cost of which has not been estimated and is not included in the project total.
17. The City Auditor mailed notice of the March 12, 2014 final assessment hearing to owners of benefited properties within the local improvement district on February 18, 2014. 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 F (attached to the original only). The deadline to file objections to final assessment was at 5:00 PM on March 5, 2014.
18. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibits A and F.

19. 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 February 24, 2014 and on February 26, 2014.
20. 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 G and adopts these findings as its own.
21. 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.
22. 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.
23. 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 Exhibits A and F of this Ordinance is hereby approved and adopted.
- b. The City Auditor to enter the assessments as shown in Exhibits A and F 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 Exhibits A and F.

Section 2. The Council declares that an emergency exists because a delay in passage would delay issuance of Notices of Final Assessment, which in turn would delay property owners' ability to pay off liens; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

MAR 19 2014

Commissioner Steve Novick
Prepared by: Andrew Aebi:slg
Date Prepared: March 19, 2014

LaVonne Griffin-Valade

Auditor of the City of Portland

By


Deputy

241 277
Agenda No. **ORDINANCE NO. 186508** As Amended

Title

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<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>CW</i></p> <p>BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Art Pearce, Manager Transp. Policy, Planning & Projects <i>gn</i> Other: Greg Jones</p> <p>Prepared by: Andrew Aebi:slg <i>AHA 2/19/14</i> Date Prepared: February 19, 2014 <i>JA</i></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: <u><i>[Signature]</i></u> Deputy</p> <p>ACTION TAKEN:</p> <p>MAR 12 2014 PASSED TO SECOND READING MAR 19 2014 9:30 A.M.</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input type="checkbox"/></p>
<p>REGULAR <input checked="" type="checkbox"/></p> <p>Total amount of time needed: 10 MIN. (for presentation, testimony and discussion)</p>

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"/>	