

ORDINANCE No. 186517

Assess benefited properties for street, sidewalk and stormwater improvements in the SE 82nd Ave of Roses and Bybee Blvd Local Improvement District (Hearing; Ordinance; C-10039)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the SE 82nd Avenue of Roses and Bybee Boulevard Local Improvement District (LID) by the adoption of Resolution No. 36845 on February 2, 2011 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 SE 82nd Avenue of Roses and Bybee Boulevard Local Improvement District by the passage of Ordinance No. 184506 on April 6, 2011.
3. The assessment formula is on an abutting linear footage basis, with an estimated rate at LID formation of \$836.39 per assessable abutting linear foot and an actual rate of \$498.54 per assessable abutting linear foot at final assessment. The assessment worksheet is as shown in Exhibit A.
4. The record related to the adoption of Resolution No. 36845 and passing of Ordinance No. 184506 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36845 nor of Ordinance No. 184506 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. The Council awarded the construction contract to Civilworks Northwest, Inc. with the acceptance of the Procurement Report for Bid No. 114626 on August 29, 2012. The City subsequently entered into Contract No. 30002877 with Civilworks Northwest, Inc. on September 18, 2012.
6. The 313 centerline feet of street improvements to SE 82nd Avenue and the 221 centerline feet of street improvements to SE Bybee Boulevard for a total of 534 centerline feet was substantially completed on August 16, 2013 as indicated in Exhibit B. The project has been constructed as provided in the plans and specifications adopted.
7. Completion of this local improvement core work fulfills all SE 82nd Avenue abutting frontage improvement requirements on the west side of the street from the south right-of-way line of SE Bybee Boulevard to 168 feet south of SE Cooper 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.

8. Completion of this local improvement core work fulfills all SE Bybee Boulevard abutting frontage improvement requirements on the north side of the street from 42 feet east of the east right-of-way line of SE 81st Place to the west right-of-way line of SE 82nd 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.
9. Finding No. 6 of Ordinance No. 184506 authorized the negotiation of an Extra Work Agreement with the owners of two properties abutting the current and future SE 81st Place from 100 feet north of the north right-of-way line of SE Bybee Boulevard to 225 feet north of the north right-of-way line of SE Bybee Boulevard. However, no such Extra Work Agreement was requested by the property owners nor negotiated or executed, nor was a building on private property encroaching on what will be the future right-of-way of SE 81st Avenue removed as a prerequisite to design and construction. Therefore completion of this project does not fulfill any similar such abutting frontage improvement requirements for the current and future SE 81st Place right-of-way from 100 feet north of the north right-of-way line of SE Bybee Boulevard to 225 feet north of the north right-of-way line of SE Bybee Boulevard. Such improvements may either be constructed in the future via a permit or via a future and subsequent LID for SE 81st Place.
10. The extent of construction work done in the southbound travel lane of SE 82nd Avenue (also known as Oregon Highway 213) was limited to replacing existing curb; this work was funded by the LID. Pavement reconstruction work on SE 82nd Avenue east of the replaced curb was considered at an estimated construction cost of \$158,272.00 and was partially budgeted at LID formation but was not actually constructed. The Portland Bureau of Transportation assumes that any future such pavement reconstruction work will be performed by the Oregon Department of Transportation.
11. The total cost of the project is \$289,091.60 as shown in Exhibit C based on items of work as shown in Exhibit D and not including the avoided work identified in Finding No. 10. The property owners' share for this project is \$266,221.60. Additional funding was provided by the Portland Water Bureau in the amount of \$22,870.00.
12. The City Auditor mailed notice of the March 12, 2014 final assessment hearing to owners of benefited properties within the local improvement district on March 5, 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 for in Exhibit F (attached to the original only). The deadline to file objections to final assessment was at 5:00 PM on March 19, 2014.
13. Each property is specially benefited in the amount shown in the assessment roll as set forth in Exhibits A and E.

14. 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 March 10, 2014 and on March 12, 2014.
15. 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.
16. 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.
17. 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.
18. 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 City 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 based on the amounts identified in Exhibit A.

Passed by the Council,

Commissioner Steve Novick
Prepared by: Andrew Aebi:slg
Date Prepared: March 3, 2014

APR 02 2014

LaVonne Griffin-Valade

Auditor of the City of Portland

By

Gayla Jennings

Deputy

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Agenda No. **186517**
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>MAR 21 2014</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>[Signature]</u> Deputy
BUREAU APPROVAL Bureau: Bureau of Transportation Art Pearce, Manager Policy, Planning and Projects Other: Greg Jones Prepared by: Andrew Aebi:slg Date Prepared: March 3, 2014	ACTION TAKEN: MAR 26 2014 PASSED TO SECOND READING
FINANCIAL IMPACT & PUBLIC INVOLVEMENT STATEMENT Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	APR 02 2014 9:30 A.M.
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 26, 2014	
City Auditor Office Approval: required for Code Ordinances	
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	<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"/>	