

RESOLUTION No. 37065

Declare intent to initiate local improvement district formation proceedings to construct a mast arm traffic signal at the N Vancouver Ave and Cook St intersection and to realign the eastbound lanes of N Cook St east of the Interstate 405 off-ramp in the N Vancouver Ave and Cook St Local Improvement District (Resolution; C-10047)

WHEREAS, valid petitions from owners of properties within the proposed North Vancouver Avenue and Cook Street Local Improvement District were filed with the Local Improvement District (LID) Administrator as contained in Exhibits A, B, C, D, E, F, G, H and I (attached to the original only); and

WHEREAS, the Local Improvement District Administrator has reviewed the petitions attached in Exhibits A, B, C, D, E, F, G, H and I and determined all of them to be valid; and

WHEREAS, the Bureau of Transportation is the Responsible Bureau for the proposed improvement and recommends initiation of local improvement district formation proceedings; and

WHEREAS, the petitions and waivers of remonstrance contain signatures of owners of property representing a majority of the property which will be specially benefitted by the proposed improvement as evaluated in Exhibit J; and

WHEREAS, the proposed project is located in the Boise and Eliot neighborhoods, and the Boise Neighborhood Association and Eliot Neighborhood Association were notified of this project on December 23, 2013; and

NOW, THEREFORE, BE IT RESOLVED, that the general character and scope of the project as petitioned is to install a new mast arm traffic signal at the intersection of North Vancouver Avenue and Cook Street and to perform necessary civil work to realign the eastbound lanes of North Cook Street from the Interstate 405 off-ramp to North Vancouver Avenue to properly align this block for eastbound traffic continuing east on North Cook Street to North Williams Avenue; and

BE IT FURTHER RESOLVED, that the Local Improvement District Administrator is authorized to negotiate Extra Work Agreement(s) approved as to form by the City Attorney with owners of properties which will be specially benefitted by improvements to underground utilities, and/or reconstruction of existing sidewalks or driveways generally within the public right-of-way. Such Extra Work Agreement(s) will not constitute a major change in scope under Section 17.08.080 of City Code; and

BE IT FURTHER RESOLVED, that upon execution of the Extra Work Agreement(s), the City Auditor is directed to create a new pending lien record in the amount of the executed Extra Work Agreement if one does not currently exist, or to increase an existing pending lien record in the amount of the executed Extra Work Agreement; and

BE IT FURTHER RESOLVED, that the Council declares the intent of the City to initiate local improvement district formation proceedings to construct mast arm traffic signal improvements at the North Vancouver Avenue and Cook Street intersection and to realign the eastbound lanes of North Cook Street from the Interstate 405 off-ramp to the west right-of-way line of North Vancouver Avenue, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer; and

BE IT FURTHER RESOLVED, that the local improvement district shall be known as the North Vancouver Avenue and Cook Street Local Improvement District and for purposes of the Local Improvement District Formation Hearing as set forth in Section 17.08.070 of City Code, the boundary shall be as shown in the map in Exhibit K; and

BE IT FURTHER RESOLVED, that the preliminary estimate of the cost of the improvements is \$564,288.00 and the Local Improvement District Administrator's level of confidence in the cost estimates for this project as of the filing date of this resolution is "Low" per Exhibit A of Resolution No. 36430 adopted by City Council on July 26, 2006, given that project specifications are preliminary; and

BE IT FURTHER RESOLVED, that the assessment methodology of the North Vancouver Avenue and Cook Street Local Improvement District shall be on an equal shares basis within four (4) assessment zones with each single share representing an estimated assessment of \$5,000.00 in Assessment Zone A; \$83,582.63 or \$83,582.64 in Assessment Zone B; and zero in Assessment Zones C and D; unless this assessment methodology is modified by City Council at the Local Improvement District Formation Hearing; and

BE IT FURTHER RESOLVED, that Assessment Zone 'A' will have an estimated assessment rate of \$5,000.00 per equal share apportioned to 32 equal shares for an estimated assessment total of \$160,000.00 in Assessment Zone 'A', which will fund all costs of the project up to \$160,000.00. Five (5) assessable properties included in this Assessment Zone are State ID #1N1E22DC 14100 as shown in Exhibit A; 1 equal share; State ID #1N1E22DC 14200 as shown in Exhibit B, 1 equal share; State ID #1N1E27AB 401 as shown in Exhibit C, six (6) equal shares; State ID #1N1E27AB 400 as shown in Exhibit D, twelve (12) equal shares; and State ID #1N1E27AC 200 as shown in Exhibit E, twelve (12) equal shares, with each property being assessed the lesser of \$5,000 per equal share or the property's equal share of final total project costs below \$160,000; and

BE IT FURTHER RESOLVED, that Assessment Zone 'B' will have an estimated assessment rate of \$83,582.63 or \$83,582.64 per equal share apportioned to 4 equal shares for an estimated assessment total of \$334,330.54 in Assessment Zone 'B', which will fund all costs of the project in excess of \$160,000.00 less future funding, if any, by Assessment Zone 'D'. Four (4) assessable properties included in this Assessment Zone are State ID #1N1E27AA 2300 as shown in Exhibit F, one (1) equal share; State ID #1N1E27AA 2400 as shown in Exhibit G, one (1) equal share; State ID #1N1E27AA 2500 as shown in Exhibit H; 1 equal share; and State ID #1N1E27AA 2600 as shown in Exhibit I, one (1) equal share; and

BE IT FURTHER RESOLVED, that Assessment Zone 'C' will have an estimated assessment rate of zero and will not fund the traffic signal improvements. Properties in this Assessment Zone are included only for the purpose of potentially voluntarily funding utility relocation improvements in the public right-of-way; and

BE IT FURTHER RESOLVED, that Assessment Zone 'D' will have an estimated assessment rate of zero unless the property owner elects to voluntarily fund the traffic signal improvements and specifies the amount of this voluntary contribution. Any contribution amount will be apportioned to 2 equal shares, which will fund all project costs in excess of \$160,000.00 up to \$160,000.00 plus the amount funded by Assessment Zone 'D'. For example, if the property owner elects to fund \$60,000 towards the traffic signal, then the estimated assessment rate will be \$30,000 per equal share, and this assessment zone will fund all project costs between \$160,000.00 and \$220,000.00 with Assessment Zone 'B' covering all project costs in excess of \$220,000.00. Two (2) assessable properties included in this Assessment Zone are State ID #1N1E27AB 10600, one (1) equal share; and State ID #1N1E27AB 1600, one (1) equal share; and

BE IT FURTHER RESOLVED, that all estimated assessments were voluntary during the petition phase, but may not be rescinded or reduced upon Council passage of the LID Formation Ordinance; and

BE IT FURTHER RESOLVED, that System development charge (SDC) credits will be offered to the maximum extent allowed under Oregon law; however, such SDC credits will be offered only to properties in Assessment Zone 'B'; and

BE IT FURTHER RESOLVED, that property owners will provide funding estimated at \$494,330.54 plus the costs of any extra work, and the Portland Bureau of Transportation will provide funding for overhead costs estimated at \$69,957.46; and

BE IT FURTHER RESOLVED, that the Council intends to construct the project; and

BE IT FURTHER RESOLVED, that the Council directs the Local Improvement District Administrator to initiate local improvement district formation proceedings as set forth in Section 17.08.070 of City Code and to schedule a Local Improvement District Formation Hearing on May 7, 2014 beginning at 9:30 AM or on the earliest practicable date thereafter; and

BE IT FURTHER RESOLVED, that passage of the subsequent LID Formation Ordinance will provide assurance of performance per Section 17.24.055 of City Code for required traffic signal improvements to North Vancouver Avenue and Cook Street, which is a condition of changes to the Comprehensive Plan Map designation and the Zoning Map designation at the southeast corner of North Williams Avenue and NE Fremont Street adopted by City Council on July 3, 2013 per Ordinance No. 186141 and case file LU 13-109305 CP ZC.

Adopted by the Council,

APR 09 2014

Commissioner Steve Novick
Prepared by: Andrew Aebi:slg
Date Prepared: March 24, 2014

LaVonne Griffin-Valade
AUDITOR OF THE CITY OF PORTLAND
By

Susan Parsons
Deputy

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Agenda No.
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 Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>APR 04 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 <i>Ans</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy ACTION TAKEN:
BUREAU APPROVAL Bureau: Bureau of Transportation Art Pearce, Manager Policy, Planning and Projects Other: Greg Jones <i>Ans</i> Prepared by: Andrew Aebi:slg Date Prepared: March 24, 2014 <i>AMIA 3/24/14 2:32 PM</i>	
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 April 9, 2014	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

AGENDA TIME CERTAIN <input checked="" type="checkbox"/> Start time: <u>10:30 AM</u> Total amount of time needed: <u>15 min.</u> (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input type="checkbox"/> Total amount of time needed: _____ (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"/>	