

ORDINANCE No. 186539

Create a local improvement district to construct street, sidewalk and stormwater improvements from NE 3rd Ave to NE Couch St in the NE Couch Ct Local Improvement District (Hearing; Ordinance; C-10046)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37063 on March 19, 2014, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NE Couch Court Local Improvement District. In the event of any finding or any directive within this Ordinance conflicting with Resolution No. 37063 involving this local improvement district, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37063 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37063 shall be considered a remonstrance for purposes of Section 17.08.070 of City Code or for purposes of Section 9-403 of the City Charter.
3. The City Auditor mailed notice of the April 16, 2014 local improvement district formation hearing on March 26, 2014 to the owners of the benefited properties within the proposed NE Couch Court Local Improvement District. The property owners were notified of the time and location of the hearing conducted by Council, the total estimated project costs, the right and manner to object to the formation of the NE Couch Court Local Improvement District, the deadline and procedure for filing remonstrances against the formation of the NE Couch Court Local Improvement District, and the amount of the estimated future assessment on benefited properties as set forth in Exhibit A (attached to the original only). The deadline to submit written remonstrances was at 5:00 PM on April 9, 2014.
4. Notices of the local improvement district formation hearing were posted within the NE Couch Court Local Improvement District on April 1, 2014.
5. The Local Improvement District Administrator published notice of the April 16, 2014 local improvement district formation hearing in the Daily Journal of Commerce on March 31 and April 2, 2014.
6. The improvements will be constructed on NE Couch Court from the east right-of-way line of NE 3rd Avenue to the west right-of-way line of NE Couch Street, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer.

7. The general character and scope of the project is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater management facilities; construct sidewalks on both sides of the street; and plant street trees in most locations. Stormwater elements of the project scope will be compliant with Administrative Rule ENB-4.01 adopted by the Bureau of Environmental Services in August 2008.
8. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
9. The boundaries of the NE Couch Court Local Improvement District shall include the properties as shown in Exhibit C.
10. The Local Improvement District Administrator's estimated cost of designing, constructing and financing the improvements is \$473,132.42 as shown in Exhibit D. The Local Improvement District Administrator's estimate is based on the Engineer's Estimate as contained in Exhibit E. The Local Improvement District Administrator's level of confidence in the cost estimate for this project as of the filing date of this Ordinance is "Low" per Exhibit A of Resolution No. 36430 adopted by Council on July 26, 2006 given that project specifications are preliminary. The estimated amount of the future assessment for the NE Couch Court Local Improvement District is \$465,259.96 with non-LID funding provided by the Portland Development Commission in the amount of \$7,872.46.
11. The Local Improvement District Administrator has analyzed the financial feasibility of the NE Couch Court Local Improvement District and has made a finding that the collective bonding capacity of properties within it is sufficient so as to minimize the City of Portland's financial risk associated with this project. The collective real market valuation of the properties included in the NE Couch Court Local Improvement District is at least \$12,032,480 for a future minimum estimated valuation to estimated assessment ratio of 25.9 : 1.
12. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the NE Couch Court Local Improvement District because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
13. The parcels of land within the NE Couch Court Local Improvement District will receive special benefit from the project in the amounts set forth in Exhibits A and F.
14. The Council has considered the remonstrances made by owners of properties to be benefited by the NE Couch Court Local Improvement District project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.

15. Passage of this Ordinance provides assurance of performance for required street, sidewalk and stormwater frontage improvements on NE Couch Court between NE 3rd Avenue and NE Couch Street per Section 17.24.055 of City Code.
16. Assessments for local improvement districts are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
17. Pursuant to City Code, assessment for the NE Couch Court Local Improvement District will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- a. The NE Couch Court Local Improvement District is hereby created as shown in Exhibit C and the NE Couch Court Local Improvement District includes the properties to be benefited in the amounts identified in Exhibits A and F.
- b. The properties owners' estimated share of costs is as shown in Exhibit F. Costs for any necessary utility relocation shall be allocated per Subsection 17.16.100 of City Code as well as per the Final Procedures for Allocation of Utility Relocation Costs adopted on June 5, 2002.
- c. The properties shall be assessed on a trip volume basis.
- d. 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.
- e. The City Auditor is directed upon execution of one or more Extra Work Agreement(s) 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.
- f. The City Engineer shall prepare plans and specifications for the improvement.
- g. The City Engineer shall arrange for construction of the local improvement project.
- h. Procurement Services within the Bureau of Internal Business Services shall advertise for bids, prepare a contract, and award the contract through a competitive bid process. The improvements may be constructed in whole or in part by the City of Portland, or the City of Portland may seek bids for any portion of the NE Couch Court Local Improvement District project. The manner in which the improvements are constructed is at the sole discretion of the City Engineer.

- i. The City Auditor shall obtain interim financing to pay for NE Couch Court Local Improvement District project costs prior to bonding.
- j. The Local Improvement District Administrator is authorized to negotiate Extra Work Agreements to finance, design and construct frontage improvements other than NE Couch Court not within the scope of directive 'd' provided that:
 - i. The City Engineer has determined the additional work to be technically feasible; and
 - ii. The Extra Work Agreement has been approved as to form by the City Attorney.
- k. The Bureau of Transportation is authorized to incur expenditures for this project and the City Auditor is authorized to reimburse such expenditures from the Local Improvement District Fund.

Passed by the Council, **APR 23 2014**
 Commissioner Steve Novick
 Prepared by: Andrew Aebi:slg
 Date Prepared: March 31, 2014

LaVonne Griffin-Valade
 Auditor of the City of Portland
 By *Susan Parsons*
 Deputy

Agenda No.
ORDINANCE NO. 186539
 Title

Create a local improvement district to construct street, sidewalk and stormwater improvements from NE 3rd Ave to NE Couch St in the NE Couch Ct Local Improvement District (Hearing; Ordinance; C-10046)

<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p>	<p>CLERK USE: DATE FILED <u>APR 11 2014</u></p>
<p style="text-align: center;">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>Novick</i></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 style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Art Pearce, Manager <i>Apr 4/1/14</i> Policy, Planning and Projects Other: Greg Jones <i>9/1</i></p> <p>Prepared by: Andrew Aebi:slg Date Prepared: March 26, 2014 <i>ANA 3/31/14</i></p>	<p>ACTION TAKEN:</p> <p>APR 16 2014 PASSED TO SECOND READING APR 23 2014 9:30 A.M.</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 APRIL 16, 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>	

AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____ 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: 5 MIN. (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	