

## ORDINANCE No. 186560 As Amended

\*Assess benefited properties for street and stormwater improvements from south of NE Whitaker Way to north of NE Prescott Ct in the NE 136th Ave Phase I Local Improvement District (Hearing; Ordinance; C-10036)

The City of Portland ordains:

### Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NE 136th Avenue Phase I Local Improvement District (LID) by the adoption of Resolution No. 36803 on July 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 136th Avenue Phase I Local Improvement District by the passage of Ordinance No. 184090 on September 1, 2010.
3. The assessment formula is on an abutting linear footage basis, with an estimated rate at LID formation of \$1,081.39 per assessable abutting linear foot and an actual rate of \$766.32 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. 36803 and passage of Ordinance No. 184090 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 36803 nor of Ordinance No. 184090 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 authorized the Bureau of Transportation to acquire certain temporary and permanent easements necessary for construction of the NE 136th Avenue Phase I LID through the exercise of the City's Eminent Domain Authority with the passage of Ordinance No. 184609 on May 25, 2011.
6. The Chief Procurement Officer awarded the construction contract 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.
7. The Council approved a minor scope change to construction of the NE 136th Avenue Phase I LID project with the passage of Ordinance No. 186017 on May 8, 2013.

8. The 400 centerline feet of street improvements and 80 centerline feet of transition improvements for a total of 480 centerline feet of street improvements to NE 136th Avenue were substantially completed on March 18, 2013 as indicated in Exhibit B. The project has been constructed as provided in the plans and specifications adopted.
9. Completion of this local improvement district fulfills all NE 136th Avenue abutting frontage improvement requirements from 80 feet south of the south right-of-way line of NE Whitaker Way to 480 south of the south right-of-way line of NE Whitaker Way 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.
10. Completion of this local improvement district does not fulfill NE 136th Avenue abutting frontage improvement requirements from the south right-of-way line of NE Whitaker Way to 80 feet south of the south right-of-way line of NE Whitaker Way, nor for any portion of NE Whitaker Way from NE 135th avenue to NE 138th Avenue, nor for NE 138th Avenue between NE Whitaker Way and NE Prescott Court 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.
11. The total cost of the project is \$745,714.57 as shown in Exhibit C based on items of work as shown in Exhibit D. The property owners' share for this project is \$613,053.26. Additional funding was provided by the Portland Water Bureau in the amount of \$10,000.00 and by the Portland Bureau of Transportation in the amount of \$122,661.31.
12. The City Auditor mailed notice of the April 30, 2014 final assessment hearing to owners of benefited properties within the local improvement district on April 9, 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 April 23, 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 April 14, 2014 and on April 16, 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. The property at 13515 NE Prescott Court with State ID #1N2E23AC 1900, tax account #R700700550, property ID #R253969 and pending lien number 149539 currently operating as a storage facility receives special benefit including but not limited to construction of a new secondary driveway from NE 136th Avenue and construction of a new emergency access gate, resulting in improved fire suppression capability. See Attachment 1 of Exhibit F referencing special benefit of a secondary driveway and access gate for another facility of similar commercial use which experienced a fire on March 26, 2011.
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.
- d. The Council directs the Local Improvement District Administrator to initiate local improvement district formation proceedings to construct street, sidewalk and stormwater improvements from the north property line of 4525 NE 136th Avenue to the south right-of-way line of NE Prescott Court, including a new curb on the south side of NE Prescott Court, plus any other transition improvements on NE Prescott Court abutting 4417 NE 136th Avenue and 13644 NE Prescott Court determined to be necessary by the City Engineer.

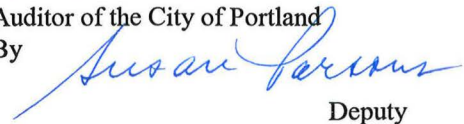
Section 2. The Council declares that an emergency exists because a delay in passage would delay issuance of Notices of Final Assessment, which in turn would delay property owners' ability to pay off liens; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council, MAY 07 2014

Commissioner Steve Novick  
Prepared by: Andrew Aebi:slg  
Date Prepared: April 11, 2014

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By

A handwritten signature in blue ink, appearing to read "Susan Parsons", is written over the word "By".

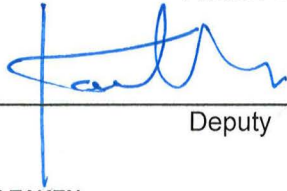
Deputy

J140

~~375 416~~

Agenda No. **186563** As Amended  
**ORDINANCE NO.**  
 Title

\*Assess benefited properties for street and stormwater improvements from south of NE Whitaker Way to north of NE Prescott Ct in the NE 136th Ave Phase I Local Improvement District (Hearing; Ordinance; C-10036)

<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER STEVE NOVICK</b></p> <p><b>COMMISSIONER APPROVAL</b></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><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Transportation Art Pearce, Manager Policy, Planning and Projects Other: Greg Jones</p> <p>Prepared by: Andrew Aebi:slg Date Prepared: April 11, 2014</p> <p>Financial Impact &amp; 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 <b>April 30, 2014</b></p> <p><b>City Auditor Office Approval:</b> required for Code Ordinances</p> <p><b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter</p>	<p>CLERK USE: DATE FILED <u>APR 25 2014</u></p> <p style="text-align: right;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By:  Deputy</p> <p><b>ACTION TAKEN:</b></p> <p style="text-align: center;"><b>APR 30 2014 PASSED TO SECOND READING MAY 07 2014 9:30 A.M.</b></p>
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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input checked="" type="checkbox"/> <i>10:50</i></p> <p>Start time: _____</p> <p>Total amount of time needed: <u>15</u> (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input type="checkbox"/></p>
<p><b>REGULAR</b> <input checked="" type="checkbox"/></p> <p>Total amount of time needed: <b>5 min</b> (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 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"/>	