

## ORDINANCE No. 186576

Create a local improvement district 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 (Hearing; Ordinance; C-10047)

The City of Portland ordains:

### Section 1. The Council finds:

1. The Council adopted Resolution No. 37065 on April 9, 2014, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the North Vancouver Avenue & Cook Street Local Improvement District. In the event of any finding or any directive within this Ordinance conflicting with Resolution No. 37065 involving this local improvement district, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37065 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37065 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 May 7, 2014 local improvement district formation hearing on April 16, 2014 to the owners of the benefited properties within the proposed North Vancouver Avenue & Cook Street 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 North Vancouver Avenue & Cook Street Local Improvement District, the deadline and procedure for filing remonstrances against the formation of the North Vancouver Avenue & Cook Street 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 30, 2014.
4. Notices of the local improvement district formation hearing were posted within the North Vancouver Avenue & Cook Street Local Improvement District on April 22, 2014.
5. The Local Improvement District Administrator published notice of the May 7, 2014 local improvement district formation hearing in the Daily Journal of Commerce on April 21 and April 23, 2014.
6. The traffic signal improvements will be constructed at the intersection of North Vancouver Avenue & Cook Street, plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer.

7. The realignment of the eastbound lanes of North Cook Street will be constructed from east of 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.
8. The general character and scope of the project is 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 as shown in Exhibit B.
9. Widths, alignments and lengths of the realignment of the eastbound lanes of North Cook Street may be modified during the preparation of plans and specifications by the City Engineer.
10. The boundaries of the North Vancouver Avenue & Cook Street Local Improvement District shall include the properties as shown in Exhibit C.
11. Property owners have expressed interest in utility undergrounding improvements to North Vancouver Avenue north of North Cook Street; North Williams Avenue north of North Cook Street; and North Fremont Street between North Vancouver Avenue and North Williams Avenue. Potential utility undergrounding improvements may be constructed in any public rights-of-way within the boundary of the local improvement district subject to the discretion of the City Engineer, plus any transition work on abutting street segments, intersections, and/or adjacent properties determined to be necessary by the City Engineer as shown in Exhibit C, and such improvements shall not be considered a major change in scope nor require a City Council hearing per Section 17.08.080 of City Code.
12. The Local Improvement District Administrator's estimated cost of designing, constructing and financing the improvements is \$564,287.99 as shown in Exhibit D. The Local Improvement District Administrator's estimate is based on the Engineer's Estimate for the mast arm traffic signal as contained in Exhibit E and the Engineer's Estimate for the realignment of North Cook Street as contained in Exhibit F. The estimated amount of the future assessment for the North Vancouver Avenue & Cook Street Local Improvement District is \$494,330.54, of which 37.9% or \$187,350.10 is estimated to be eligible for system development charge (SDC) credits and 62.1% or \$306,980.44 is estimated to be ineligible for SDC credits with funding of overhead costs being provided by the Portland Bureau of Transportation in the amount of \$69,957.45.
13. 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.

14. System development charge (SDC) credits will be provided by the Portland Bureau of Transportation to properties in Assessment Zone B as identified in Exhibit G, with a current estimate of 56.0% or \$187,350.10 is estimated to be eligible for system development charge (SDC) credits and 44.0% or \$146,980.44 is estimated to be ineligible for SDC credits.
15. The Local Improvement District Administrator has analyzed the financial feasibility of the North Vancouver Avenue & Cook Street Local Improvement District as shown in Exhibit G 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 North Vancouver Avenue & Cook Street Local Improvement District is at least \$16,387,430 for a future minimum estimated valuation to estimated assessment ratio of 33.2 : 1.
16. The remonstrance level is evaluated in Exhibit G. Council retains jurisdiction over the formation of the North Vancouver Avenue & Cook Street Local Improvement District because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter. All estimated assessments were voluntary during the petition phase, but may not be rescinded or reduced upon Council passage of this Ordinance.
17. The parcels of land within the North Vancouver Avenue & Cook Street Local Improvement District will receive special benefit from the project in the amounts set forth in Exhibits A and G.
18. The Council has considered the remonstrances made by owners of properties to be benefited by the North Vancouver Avenue & Cook Street Local Improvement District project, and adopts the summary of remonstrances and findings as set forth in Exhibit H.
19. Passage of this Ordinance provides assurance of performance for 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.
20. Assessments for local improvement districts are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
21. Pursuant to City Code, assessment for the North Vancouver Avenue & Cook Street Local Improvement District will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:


- a. The North Vancouver Avenue & Cook Street Local Improvement District is hereby created as shown in Exhibit C and the North Vancouver Avenue & Cook Street Local Improvement District includes the properties to be benefited in the amounts identified in Exhibits A and G.
- b. The properties owners' estimated share of costs is as shown in Exhibit G. Costs for any necessary utility relocation per Finding No. 8 shall be allocated per Section 17.16.100 of City Code as well as per the Final Procedures for Allocation of Utility Relocation Costs adopted on June 5, 2002. Costs of relocation of Pacific Power facilities shall also be governed by Ordinance No. 180762 approved by Council on February 7, 2007.
- c. The properties shall be assessed on 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 all other assessment zones.
- d. 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.
- e. The City Engineer shall prepare plans and specifications for the improvement.
- f. The City Engineer shall arrange for construction of the local improvement project.
- g. 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 North Vancouver Avenue & Cook Street Local Improvement District project. The manner in which the improvements are constructed is at the sole discretion of the City Engineer.
- h. The City Auditor shall obtain interim financing to pay for North Vancouver Avenue & Cook Street Local Improvement District project costs prior to bonding.
- i. All future assessments will be segregated on an equal shares basis, with not assessment to the parent property and the assessments being equally split among the child properties.

- j. The Local Improvement District Administrator is authorized to negotiate Extra Work Agreements to finance, design and construct the potential work per Finding No. 11, including payment by the City on behalf of the property owner(s) to Pacific Power and other utilities whose facilities would be relocated underground 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. Extra Work Agreement(s) executed per directive 'j' will not constitute a major change in scope nor require a City Council hearing under Section 17.08.080 of City Code.
- l. 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, MAY 14 2014

Commissioner Steve Novick  
Prepared by: Andrew Aebi:slg  
Date Prepared: April 21, 2014

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

  
Deputy

415-449

✓190

Agenda No.

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Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER STEVE NOVICK</b>	CLERK USE: DATE FILED <u>MAY 02 2014</u>
<b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Hales Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Novick <i>CWS</i>	LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy
<b>BUREAU APPROVAL</b> Bureau: Bureau of Transportation Art Pearce, Manager Policy, Planning and Projects Other: Greg Jones Prepared by: Andrew Aebi:slg Date Prepared: April 18, 2014 <i>AHA 4/21/14</i>	<b>ACTION TAKEN:</b> MAY 07 2014 <b>PASSED TO SECOND READING</b> MAY 14 2014 9:30 A.M.
<b>Financial Impact &amp; Public Involvement Statement</b> Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
<b>Portland Policy Document</b> If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<b>Council Meeting Date</b> May 7, 2014	
<b>City Auditor Office Approval:</b> required for Code Ordinances	
<b>City Attorney Approval:</b> required for contract, code, easement, franchise, comp plan, charter	

<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input checked="" type="checkbox"/> Total amount of time needed: <b>5 Min.</b> (for presentation, testimony and discussion)

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