

RESOLUTION No. 37087

Declare intent to initiate local improvement district formation proceedings to create a local improvement district to construct street, sidewalk and stormwater improvements in the SW 45th Ave and California St Local Improvement District (Resolution; C-10048)

WHEREAS, valid petitions from owners of properties within the proposed SW 45th Avenue and California Street Local Improvement District were filed with the Local Improvement District (LID) Administrator as contained in Exhibit A (attached to the original only); and

WHEREAS, the LID Administrator has reviewed the petitions attached in Exhibit A 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 benefited by the proposed improvement as evaluated in Exhibit B in the “Estimated as Petitioned” column; and

WHEREAS, the proposed project is located in the Southwest Neighborhoods, Inc. (“SWNI”) neighborhood coalition, and SWNI was notified of this project by the Local Improvement District Administrator on August 21, 2014; and

WHEREAS, the proposed project is located in the Maplewood Neighborhood Association (“Maplewood”), and Maplewood was notified of this project by St. Luke Church on July 25, 2014 and again by the Local Improvement District Administrator on August 15, 2014; and

WHEREAS, the proposed project is of interest to SW Trails, and SW Trails was notified of this project by St. Luke Church on July 25, 2014 and again by the Local Improvement District Administrator on August 22, 2014; and

WHEREAS, the proposed project is of interest to the Pedestrian Advisory Committee, and the Pedestrian Advisory Committee was notified of this project by St. Luke Church on July 25, 2014 and again by the Local Improvement District Administrator on August 25, 2014; and

WHEREAS, Council approved a street vacation for SW 46th Avenue and SW Florida Street on February 29, 2012 with the passage of Ordinance No. 185174; and

WHEREAS, Council is concurrently considering passage of an amended street vacation ordinance for SW 46th Avenue and SW Florida Street concurrent with this Resolution to initiate local improvement district formation proceedings.

NOW, THEREFORE, BE IT RESOLVED that the general character and scope of the improvement for the south side of SW Vermont Street is to construct new curb, stormwater planters and sidewalk from 103 feet east of the east right-of-way line of SW 46th Avenue (adjusted from 102 feet east of the east right-of-way line of SW 46th Avenue as referenced in the LID petition in Attachment 1 of Exhibit A) to 100 feet west of the west right-of-way line of SW 46th Avenue; and

BE IT FURTHER RESOLVED that the general character and scope of the improvement for the west side of SW 45th Avenue is to construct new curb, stormwater planters, sidewalk and southbound bicycle lane from 83 feet north of the north right-of-way line of SW Florida Street (adjusted from 93 feet north of the north right-of-way line of SW Florida Street as referenced in the LID petition in Attachment 1 of Exhibit A) to the north right-of-way line of SW California Street; and

BE IT FURTHER RESOLVED that the general character and scope of the improvement for the north side of SW California Street is to construct new stormwater planters and sidewalk with tree wells and street trees from the west right-of-way line of SW 45th Avenue to the east right-of-way line of SW 46th Avenue (adjusted from south side of SW California Street to the north side of SW California Street as referenced in the LID petition in Attachment 1 of Exhibit A), terminating at the west end with a cul-de-sac, curb and sidewalk; and

BE IT FURTHER RESOLVED that the Local Improvement District Administrator is authorized to negotiate Extra Work Agreement(s) ("EWAs") approved as to form by the City Attorney with owners of properties which will be specially benefitted by improvements to extend sanitary sewer or construct street, driveway or other improvements in the public right-of-way not included in the general character and scope for the SW 45th Avenue & California Street LID. Such EWAs 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 street, sidewalk and stormwater improvements to SW 45th Avenue, SW California Street and SW Vermont Street, 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 SW 45th Avenue and California 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 C; and

BE IT FURTHER RESOLVED that the preliminary estimate of the cost of the improvements is \$654,480.16 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 SW 45th Avenue and California Street Local Improvement District shall be on square footage basis unless this assessment methodology is modified by City Council at the Local Improvement District Formation Hearing; and

BE IT FURTHER RESOLVED that property owners consisting of varying forms of common ownership of St. Luke Church will provide funding estimated at \$565,324.37 not including costs of water main and fire hydrant improvements; other property owners will provide funding for extra work only if they voluntarily agree to do so via execution of Extra Work Agreement(s) after formation of the SW 45th Avenue & California Street LID; and the Portland Bureau of Transportation will provide funding for overhead costs estimated at \$89,155.79; 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 increase the estimated amount of the future local improvement district assessment for the St. Luke properties by \$63,275.94 combined to include water main improvements and a new fire hydrant installation on SW California Street, apportioned on a square footage basis; 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 October 15, 2014 beginning at 9:30 AM or on the earliest practicable date thereafter, with estimated LID amounts based on the "Estimate as Proposed" column in Exhibit B; 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 most required street vacation conditions as set forth in Point of Clarification No. 3 within Exhibit A of this Resolution.

Adopted by the Council, SEP 17 2014

Commissioner Steve Novick  
Prepared by: Andrew Aebi:slg  
Date Prepared: September 2, 2014

**LaVonne Griffin-Valade**  
AUDITOR OF THE CITY OF PORTLAND

By

  
Deputy

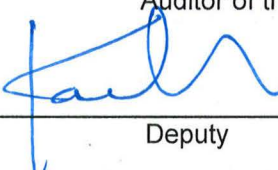


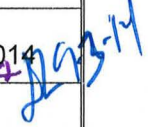
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Agenda No.  
**RESOLUTION NO. 37087**  
Title

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<b>INTRODUCED BY</b> Commissioner/Auditor: <b>COMMISSIONER STEVE NOVICK</b>	CLERK USE: DATE FILED <u>SEP 12 2014</u>
<b>COMMISSIONER APPROVAL</b>	LaVonne Griffin-Valade Auditor of the City of Portland  By:  Deputy  <b>ACTION TAKEN:</b>
Mayor—Finance and Administration - Hales	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety – Novick 	
<b>BUREAU APPROVAL</b>	
Bureau: Bureau of Transportation Art Pearce, Manager  9/03/14 Policy, Planning and Projects Other: Greg Jones	
Prepared by: Andrew Aebisig Date Prepared: September 2, 2014 AHA 9/03/14  9/3-14	
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 September 17, 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> <span style="float: right;">10P2</span>
<b>TIME CERTAIN</b> <input checked="" type="checkbox"/> Start time: <b>9:30 AM</b> Total amount of time needed: <b>30 Min</b> (for presentation, testimony and discussion)
<b>CONSENT</b> <input type="checkbox"/>
<b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

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