

ORDINANCE No. 186822

*Approve agreements with American National Red Cross to amend the local improvement district assessment methodology and accept funding in the amount of \$30,000 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 (Ordinance; C-10047)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council approved Resolution No. 37065 on April 9, 2014 initiating local improvement district formation proceedings for the North Vancouver Avenue & Cook Street Local Improvement District (LID). American National Red Cross did not receive an LID petition for its consideration prior to formation of the LID.
2. The Council approved Ordinance No. 186576 on May 14, 2014 forming the North Vancouver Avenue & Cook Street LID, with no remonstrance received from any property owner against formation of the LID. The LID Formation Ordinance included American National Red Cross' three (3) properties within the LID boundary, but exempted them from assessment with no pending lien records created. The American National Red Cross properties are located in Assessment Zone 'D'.
3. The Council approved Ordinance No. 186802 on September 3, 2014 amending the LID boundary related to utility undergrounding in which American National Red Cross is not financially participating.
4. The Council approved Ordinance No. 186803 on September 3, 2014 approving an agreement with Karuna II, LLC to construct a mast arm traffic signal at the intersection of North Williams Avenue and Fremont Street in which American National Red Cross is not financially participating.
5. The Council approved Ordinance No. 186804 on September 3, 2014 approving an agreement with Karuna II, LLC to construct a mast arm traffic signal at the intersection of North Vancouver Avenue and Fremont Street in which American National Red Cross is not financially participating.
6. American National Red Cross executed an agreement with the City of Portland on July 2, 2014 agreeing to provide \$30,000.00 in LID funding. This funding contribution will be equally apportioned in the amount of \$15,000.00 among two (2) properties as indicated in Exhibit A and Exhibit B.

7. A third property owned by American National Red Cross with State ID #1N1E27AB 9100, tax account #R009900220 and property ID #R102760 in the approximate size of 4,943 square feet south of the property identified in Exhibit A will not be assessed by this LID.
8. LID funding for this project is currently \$869,532.54 including:
 - a. \$494,330.54 in funding to construct a mast arm traffic signal at the North Vancouver Avenue and Cook Street intersection and to realign the eastbound lanes of North Cook Street east of the Interstate 405 off-ramp per Finding No. 2 of this Ordinance; and
 - b. \$131,432.00 through an Extra Work Agreement between the City of Portland and Karuna II Properties, LLC executed on June 16, 2014 to underground utilities per Finding No. 3 of this Ordinance; and
 - c. \$70,885.00 through an Extra Work Agreement between the City of Portland and Karuna II Properties, LLC approved by Council per Finding No. 4 of this Ordinance.
 - d. \$172,885.00 through an Extra Work Agreement between the City of Portland and Karuna II Properties, LLC approved by Council per Finding No. 4 of this Ordinance.
9. Council approval of the agreements attached in Exhibit A and Exhibit B will increase LID funding for this project to \$899,532.54 including:
 - a. \$524,330.54 in funding to construct a mast arm traffic signal at the North Vancouver Avenue and Cook Street intersection and to realign the eastbound lanes of North Cook Street east of the Interstate 405 off-ramp; and
 - b. \$375,202.00 through Extra Work Agreements between the City of Portland and Karuna II Properties, LLC per Findings No. 8b, 8c and 8d of this Ordinance.
10. The Boise Neighborhood Association and the adjacent Eliot Neighborhood Association were notified of the proposed LID boundary change on August 18, 2014.
11. The Local Improvement District Administrator mailed notice of the proposed scope addition to all property owners currently financially participating in the LID on August 13, 2014, regardless of whether an individual property's assessment was proposed to increase as a result of this major scope change.
12. The Local Improvement District Administrator published notice of the proposed scope addition in the Daily Journal of Commerce on August 15, 2014 and on August 18, 2014.

13. Notice of the proposed scope addition was posted within the LID boundary on August 19, 2014.
14. No remonstrances against the proposed scope addition were received by the filing deadline of 5:00 PM on August 27, 2014 or by an extended filing deadline of 5:00 PM on September 24, 2014.
15. This Ordinance was originally scheduled for Council consideration on October 3, 2014, but was postponed to October 1, 2014 at the request of American National Red Cross. The postponement was announced during the September 3, 2014 Council proceedings by Andrew Aebi, Local Improvement District Administrator.

NOW, THEREFORE, the Council directs:

- a. The estimated assessment amount of Assessment Zone 'D' is increased from zero to \$30,000.00.
- b. Each of the two (2) properties in Assessment Zone 'D' identified in Exhibit A and Exhibit B of this Ordinance will be assessed on an equal shares basis with an estimated assessment of \$15,000.000 per equal share.
- c. The City Auditor to create a new pending lien record in the amount of \$15,000.00 for the American National Red Cross property identified in Exhibit 'A' with an existing building at 3131 North Vancouver Avenue with State ID #1N1E27AB 10600, tax account #R009900210 and property ID #R102759 bounded by North Cook Street, North Vancouver Avenue, North Monroe Street, the property identified in Finding No. 4 of this Ordinance, and North Gantenbein Avenue. The size of this property is approximately 137,738 square feet.
- d. The City Auditor to create a new pending lien record in the amount of \$15,000.00 for the American National Red Cross parking lot property identified in Exhibit 'B' with no site address adjacent to the 3300 block of North Vancouver Avenue with State ID #1N1E27AB 1600, tax account #R009900580 and property ID #R102761 bounded by North Cook Street, North Vancouver Avenue, North Ivy Street, and North Gantenbein Avenue. The size of this property is approximately 60,526 square feet.
- e. Assessment Zone 'D' will not be assessed by a separate and subsequent ordinance for project costs (excluding Extra Work Agreement costs) if project costs are \$160,000.00 or less.
- f. Assessment Zone 'D' will be assessed by a separate and subsequent ordinance for all project costs (excluding Extra Work Agreement costs) between \$160,000.00 and \$190,000.00.

- g. Assessment Zone 'B' will be assessed by a separate and subsequent ordinance for all project costs (excluding Extra Work Agreement costs) above \$190,000.00. No project costs (excluding Extra Work Agreement costs) above \$190,000.00 will be assessed to properties in Assessment Zone 'A', to properties in Assessment Zone 'C' or to properties in Assessment Zone 'D'.
- h. Estimated assessment amounts for properties in Assessment Zone 'A' currently estimated at \$160,000.00 (excluding Extra Work Agreement costs) are not changed by this Ordinance.
- i. Estimated assessment amounts for properties in Assessment Zone 'B' currently estimated at zero (excluding Extra Work Agreement costs) are not changed by this Ordinance.
- j. Assessments for Extra Work Agreement costs will be calculated separately from directives 'a' through 'i' of this Ordinance and will be imposed by a separate and subsequent ordinance.
- k. 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 for the improvements identified in Findings No. 8 and 9 of this Ordinance, as well as any additional Extra Work Agreements that are executed subsequent to Council approval of this Ordinance. 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.

Section 2. The Council declares that an emergency exists because pending lien records for the American National Red Cross properties were not created at LID formation, and the City Auditor cannot create such pending lien records to provide constructive notice of the future assessments for properties identified in Exhibit A and Exhibit B of this Ordinance until Council passage of this Ordinance; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

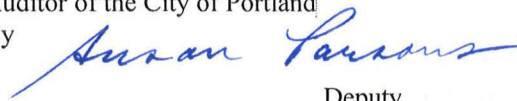
Passed by the Council, OCT 01 2014

Commissioner Steve Novick
Prepared by: Andrew Aebi:slg
Date Prepared: September 15, 2014

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

1024

140

Agenda No.
ORDINANCE NO.

186822

Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>SEP 26 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>Nov</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 <i>Art 9/16/14</i> Policy, Planning and Projects Other: Greg Jones Prepared by: Andrew Aebi:slg Date Prepared: September 15, 2014 <i>9/16/14</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 October 1, 2014	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	

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