

187665

ORDINANCE No.

Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements from north of NE Columbia Blvd to south of NE Cornfoot Rd in the NE 47th Ave Phase I Local Improvement District and increase project funding from Portland Bureau of Transportation system development charge revenue by \$315,151 (Hearing; Ordinance; C-10052; amend Ordinance No. 180970)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37194 on March 2, 2016, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NE 47th Avenue Phase I Local Improvement District (LID). In the event any finding or any directive within this Ordinance conflicts with Resolution No. 37194 involving this LID, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37194 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37194 shall be considered a remonstrance for purposes of Section 17.08.070 of City Code nor for purposes of Section 9-403 of the City Charter.
3. The City Auditor mailed notice of the March 30, 2016 LID formation hearing on March 9, 2016 to the owners of the benefited properties within the proposed NE 47th Avenue Phase I LID. 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 47th Avenue Phase I LID, the deadline and procedure for filing a remonstrance against the formation of the NE 47th Avenue Phase I LID, 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 a written remonstrance was at 5:00 PM on March 23, 2016.
4. Notices of the LID formation hearing were posted within the NE 47th Avenue Phase I LID on March 11, 2016.
5. The LID Administrator published notice of the March 30, 2016 LID formation hearing in the Daily Journal of Commerce on March 14 and March 16, 2016.
6. The Local Improvement District Administrator has analyzed the financial feasibility of the NE 47th Avenue Phase I Local Improvement District as shown in Exhibit F 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 not owned by the City of Portland included in the NE 47th Avenue Phase I Local Improvement District is at least \$13,111,310 with an estimated assessment of \$165,570.68 for a future minimum estimated valuation to estimated assessment ratio of 79.2 : 1.

7. The improvements will be constructed on NE 47th Avenue 287 feet north of the north right-of-way line of NE Columbia Blvd. to Bridge No. BR-093 between NE Crystal Lane and NE Cornfoot Road plus any transition work on abutting street segments, intersections, and/or adjacent properties determined to be necessary by the City Engineer, including but not limited to:
 - a. A temporary traffic signal at NE Alderwood Road and NE Columbia Blvd. to facilitate detours during construction of NE 47th Avenue; and
 - b. Widening of pavement approaching the intersection of NE Alderwood Road and NE Columbia Blvd. to allow for dual traffic lanes at some or all of the three (3) legs of this intersection.
8. Additional improvements within the LID to NE Buffalo Street both east and west of NE 47th Avenue and/or to NE Crystal Lane both east and west of NE 47th Avenue will be made only if the abutting property owner(s) agree to fund the additional cost of these improvements. This scope change will be made only if the owner(s) of properties abutting such street frontages elect to sign an Extra Work Agreement for their frontage(s) to be improved as part of the NE 47th Avenue Phase I LID. However improvements at project expense may be made to NE Buffalo Street and/or to NE Crystal Lane to the points of tangency necessary to realign the new NE 47th Avenue & Buffalo Street and NE 47th Avenue & Crystal Lane intersections.
9. The general character and scope of the improvement is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct a Portland Cement concrete street with an aggregate base; construct stormwater drainage facilities including stormwater planters; construct curbs, sidewalk and bike lanes on both sides of the street; plant street trees on both sides of the street, extend stormwater sewer, and install dry line sanitary sewer as shown in Exhibit B.
10. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
11. The boundaries of the NE 47th Avenue Phase I LID shall include the properties as shown in Exhibit C.
12. The LID Administrator's estimated cost of designing, constructing and financing the improvements is \$6,222,890.14 as shown in Exhibit D, not including the cost of dry line sanitary sewer. The LID Administrator's estimate is based on the Engineer's Estimate as contained in Exhibit E, which does not include sanitary sewer costs. The LID 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 47th Avenue Phase I LID is \$1,591,875.07. Additional funding is being provided by the Portland Bureau of Transportation (PBOT) in the amount

of \$4,114,416.11 in system development charge (SDC) revenue, and \$516,598.96 is being provided by the Bureau of Environmental Services (BES) for sanitary sewer improvements.

13. \$315,151.11 of the PBOT SDC revenue estimated in Finding No. 12 is contingent upon Council approval of directive 'm' of this ordinance to modify Ordinance No. 180970 approved by Council on May 23, 2007.
14. \$516,598.96 of BES revenue in Finding No. 12 is contingent upon execution of a Memorandum of Understanding (MOU) between BES and PBOT to fund sanitary sewer improvements.
15. The LID Administrator has analyzed the financial feasibility of the NE 47th Avenue Phase I LID and has made a finding that the collective bonding capacity of benefiting properties is sufficient so as to minimize the City's financial risk associated with this project.
16. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the NE 47th Avenue Phase I LID because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.
17. The parcels of land within the NE 47th Avenue Phase I LID will receive special benefit from the project in the amounts set forth in Exhibits A and F.
18. The Council has considered the remonstrances made by owners of properties to be benefited by the NE 47th Avenue Phase I LID project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.
19. Passage of this Ordinance provides assurance of performance per Section 17.24.055 of City Code for required frontage improvements to NE 47th Avenue except that PBOT Development Review may require a right-of-way dedication, widening of the bike lane and/or widening of the sidewalk beyond what is constructed by this LID.
20. Passage of this Ordinance does not provide assurance of performance for street, sidewalk and stormwater frontage improvements for the following street frontages per Section 17.24.055 of City Code for properties identified in Exhibit A of this Ordinance unless an Extra Work Agreement has been executed per Finding No. 7 of this Ordinance for improvements to:
 - a. NE 46th Avenue north of NE Columbia Blvd. to its dead-end; nor
 - b. NE Buffalo Street east and west of NE 47th Avenue to their dead-ends; nor
 - c. NE Crystal Lane east and west of NE 47th Avenue to their dead-ends.
21. Assessments for LIDs are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.

22. Pursuant to City Code, assessment for the NE 47th Avenue Phase I LID will be imposed by a separate and subsequent ordinance.
23. Prospective contractor outreach to date on this LID includes:
 - a. Metropolitan Contractor Improvement Partnership (MCIP) on February 18, 2016; and
 - b. The Public Utility Construction Forecast Open House on March 9, 2016.
24. Additional prospective contractor outreach regarding potential divisions of work within a subsequent contract anticipated to be advertised for bids in early 2017 is pending to:
 - a. Work Source Oregon; and
 - b. The National Association of Minority Contractors.
25. Property owner Mark Hatten requested on February 10, 2015 that a dry line sanitary sewer be designed and constructed to avoid reconstructing NE 47th Avenue after construction. The Bureau of Environmental Services (BES) concurs with this scope addition. This work was scoped by BES on February 25, 2016 at which time BES agreed in principle to pursue this addition to the project scope to avoid future pavement reconstruction in NE 47th Avenue.

NOW, THEREFORE, the Council directs:

- a. The NE 47th Avenue Phase I LID (LID) is hereby created as shown in Exhibit C and the NE 47th Avenue Phase I LID includes the properties to be benefited in the amounts identified in Exhibits A and F.
- b. Assurance of performance for properties identified in Exhibit A is provided upon Council passage of this Ordinance per Section 17.24.055 and per Finding No. 18 of this Ordinance.
- c. 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.
- d. The properties shall be assessed on an abutting linear footage basis.
- 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 NE 47th Avenue Phase I LID 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 NE 47th Avenue Phase I LID project costs prior to bonding.
- i. PBOT is authorized to incur expenditures for this project per Finding No. 11 and Exhibit D, and the City Auditor is authorized to reimburse such expenditures from the LID Fund.
- j. The LID Administrator is authorized to negotiate Extra Work Agreements to finance, design and construct frontage and/or sanitary sewer improvements for properties within the LID boundary for NE Buffalo Street and NE Crystal Lane in addition to NE 47th Avenue provided that:
 - i. The City Engineer has determined the additional work to be technically feasible; and
 - ii. An Extra Work Agreement for property or properties abutting the additional improvement been approved as to form by the City Attorney.
- k. The City Auditor to create pending lien records for any property not identified in Exhibit A but within the LID boundary for which an Extra Work Agreement is executed per Directive 'j' of this Ordinance.
- l. PBOT and the Bureau of Environmental Services (BES) to execute a Memorandum of Understanding to design and construct a dry line sanitary sewer to be funded by BES.
- m. Ordinance No. 180970 approved by Council on May 23, 2007 is amended to adjust the TSDC funding in the TSDC Capital Improvement Project List as identified in Exhibit H.

Passed by the Council,

Commissioner Steve Novick
 Prepared by: Andrew Aebi:sld
 Date Prepared: March 8, 2016

APR 06 2016

Mary Hull Caballero

Auditor of the City of Portland

By

Susan Parsons
 Deputy

312 336

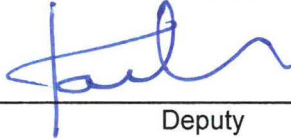

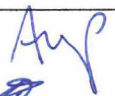


Agenda No.

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Title

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INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK	CLERK USE: DATE FILED <u>MAR 22 2016</u>
COMMISSIONER APPROVAL	Mary Hull Caballero Auditor of the City of Portland
Mayor—Finance and Administration - Hales	By:  Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Novick 	
BUREAU APPROVAL	ACTION TAKEN:
Bureau: Transportation  Policy, Planning and Projects Manager: Art Pearce Director: Leah Treat  on behalf of Dir Treat 3/9/16	MAR 30 2016 PASSED TO SECOND READING
Prepared by: Andrew Aebi:sld Date Prepared: March 8, 2016 Supervisor: Dan Layden  AHA 3/8/16	APR 06 2016
Impact 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"/>	
City Auditor Office Approval: required for Code Ordinances	
City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter	
Council Meeting Date March 30, 2016	

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: 15 mins (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"/>	