

ORDINANCE No. 187740

Create a local improvement district to construct street, sidewalk and stormwater improvements west of SW 30th Ave in the SW Dolph Ct – Spring Garden St Local Improvement District (Hearing; Ordinance; C-10053)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council adopted Resolution No. 37200 on April 6, 2016, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the SW Dolph Court - Spring Garden Street Local Improvement District (LID). In the event of any finding or any directive within this Ordinance conflicting with Resolution No. 37200 involving this LID, the finding or directive within this Ordinance shall prevail.
2. The record related to the adoption of Resolution No. 37200 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37200 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 May 4, 2016 LID formation hearing on April 13, 2016 to the owners of the benefited properties within the proposed SW Dolph Court - Spring Garden Street 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 SW Dolph Court - Spring Garden Street LID, the deadline and procedure for filing a remonstrance against the formation of the SW Dolph Court - Spring Garden Street 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 April 27, 2016.
4. Notices of the LID formation hearing were posted within the SW Dolph Court - Spring Garden Street LID on April 19, 2016.
5. The LID Administrator published notice of the May 4, 2016 LID formation hearing in the Daily Journal of Commerce on April 18 and April 20, 2016.
6. The improvements will be constructed on the north side of SW Dolph Court from the west right-of-way line of SW 30th Avenue to 311 feet east of the east right-of-way line of SW 35th Avenue and on the south side of SW Spring Garden Street from 655 feet west of the west right-of-way line of SW 30th Avenue to 311 feet east of the east right-of-way line of SW 35th Avenue plus any transition work on abutting street segments, intersections, and/or adjacent properties determined to be necessary by the City Engineer or City Traffic Engineer, including but not limited to a stormwater facility at SW 26th Way and Barbur Blvd and/or speed bumps.

7. Additional improvements within the LID to the south side of SW Dolph Court; the north side of SW Dolph Court west of Spring Garden Park; or SW Spring Garden Street not abutting Spring Garden Park 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 SW Dolph Court - Spring Garden Street LID.
8. The general character and scope of the improvement along the Spring Garden Park frontages is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater drainage facilities including stormwater planters; construct curb and sidewalk on the park side of the street; extend stormwater sewer and sidewalk along the west side of SW Dolph Court along properties east of Spring Garden Park; and plant street trees adjacent to newly-installed sidewalk of combined widths of 9 feet or more excluding curb as shown in Exhibit B.
9. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
10. The boundaries of the SW Dolph Court - Spring Garden Street LID shall include the properties as shown in Exhibit C.
11. The LID Administrator's estimated cost of designing, constructing and financing the improvements is \$1,462,502.16 as shown in Exhibit D. The LID Administrator's estimate is based on the Engineer's Estimate as contained in Exhibit E. 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 SW Dolph Court - Spring Garden Street LID is \$1,272,551.79. Additional funding is being provided by the Portland Bureau of Transportation (PBOT) in the amount of \$189,950.37 for overhead costs.
12. The LID Administrator has analyzed the financial feasibility of the SW Dolph Court - Spring Garden Street LID and has made a finding that the collective bonding capacity of benefiting properties is sufficient so as to minimize the City of Portland's financial risk associated with this project, with a minimum valuation to assessment ratio of 5.5 : 1 including a current property tax delinquency amount of \$74,716.18.
13. The remonstrance level is evaluated in Exhibit F. Council retains jurisdiction over the formation of the SW Dolph Court - Spring Garden Street LID because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.

14. The parcels of land within the SW Dolph Court - Spring Garden Street LID will receive special benefit from the project in the amounts set forth in Exhibits A and F.
15. The Council has considered the remonstrances made by owners of properties to be benefited by the SW Dolph Court - Spring Garden Street LID project, and adopts the summary of remonstrances and findings as set forth in Exhibit G.
16. Passage of this Ordinance provides assurance of performance per Section 17.24.055 of City Code for required frontage improvements to SW Dolph Court or SW Spring Garden Street.
17. Passage of this Ordinance does not provide assurance of performance for street, sidewalk and stormwater frontage improvements for 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. SW 30th Avenue; nor
 - b. The south side of SW Dolph Court; nor
 - c. The north side of SW Dolph Court west of Spring Garden Park; nor
 - d. The north side of SW Spring Garden Street; nor
 - e. The south side of SW Spring Garden Street west of Spring Garden Park; nor
 - f. The south side of Spring Garden Park east of Spring Garden Park.
18. Assessments for LIDs are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
19. Pursuant to City Code, assessment for the SW Dolph Court - Spring Garden Street LID will be imposed by a separate and subsequent ordinance.

NOW, THEREFORE, the Council directs:

- a. The SW Dolph Court - Spring Garden Street LID is hereby created as shown in Exhibit C and the SW Dolph Court - Spring Garden Street 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. 17 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.

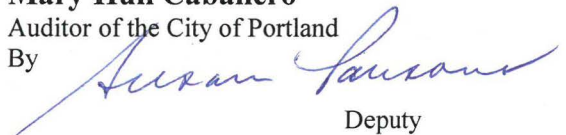
- d. The properties shall be assessed on a combination abutting square footage and equivalent dwelling unit (EDU) basis in two (2) assessment zones with 56.672141% of the assessment apportioned to Portland Parks & Recreation in Assessment Zone 'A' on a square footage basis, and 43.027859% of the assessment apportioned to other properties in Assessment Zone 'B' on an EDU 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 SW Dolph Court - Spring Garden Street 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 SW Dolph Court - Spring Garden Street 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 improvements for properties within the LID boundary not proposed by this Ordinance for future assessment under a separate and subsequent Ordinance 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 has 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. The Portland Bureau of Transportation is directed to consider adding this project to the pending Citywide System Development Charge (SDC) project list update in an anticipated amount of \$250,000. If approved by a separate and subsequent ordinance, these SDC funds shall be applied solely to Assessment Zone 'B' to defray these properties' assessments. However SDC funding is not guaranteed.

MAY 11 2016

Passed by the Council,

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

Mary Hull Caballero
Auditor of the City of Portland
By

A handwritten signature in blue ink, appearing to read "Susan Sansone", written over the word "By" and extending to the right.

Deputy

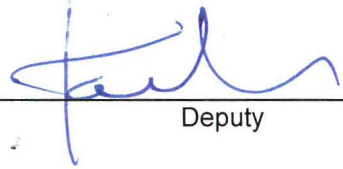
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Agenda No. **ORDINANCE NO. 187740**

Title

Create a local improvement district to construct street, sidewalk and stormwater improvements west of SW 30th Ave in the SW Dolph Ct – Spring Garden St Local Improvement District (Hearing; Ordinance; C-10053)

<p>INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p> <p>COMMISSIONER APPROVAL</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</p> <p>BUREAU APPROVAL</p> <p>Bureau: Transportation Policy, Planning and Projects Manager: Art Pearce Director: Leah Treat</p> <p>Prepared by: Andrew Aeb:sld Date Prepared: April 8, 2016 Supervisor: Dan Layden</p> <p>Impact 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>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date May 4, 2016</p>	<p>CLERK USE: DATE FILED <u>APR 26 2016</u></p> <p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p> <p>ACTION TAKEN: MAY 04 2016 PASSED TO SECOND READING MAY 11 2016 9:30 A.M.</p>
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AGENDA

TIME CERTAIN
Start time: _____
Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: **10 mins**
(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 ✓	