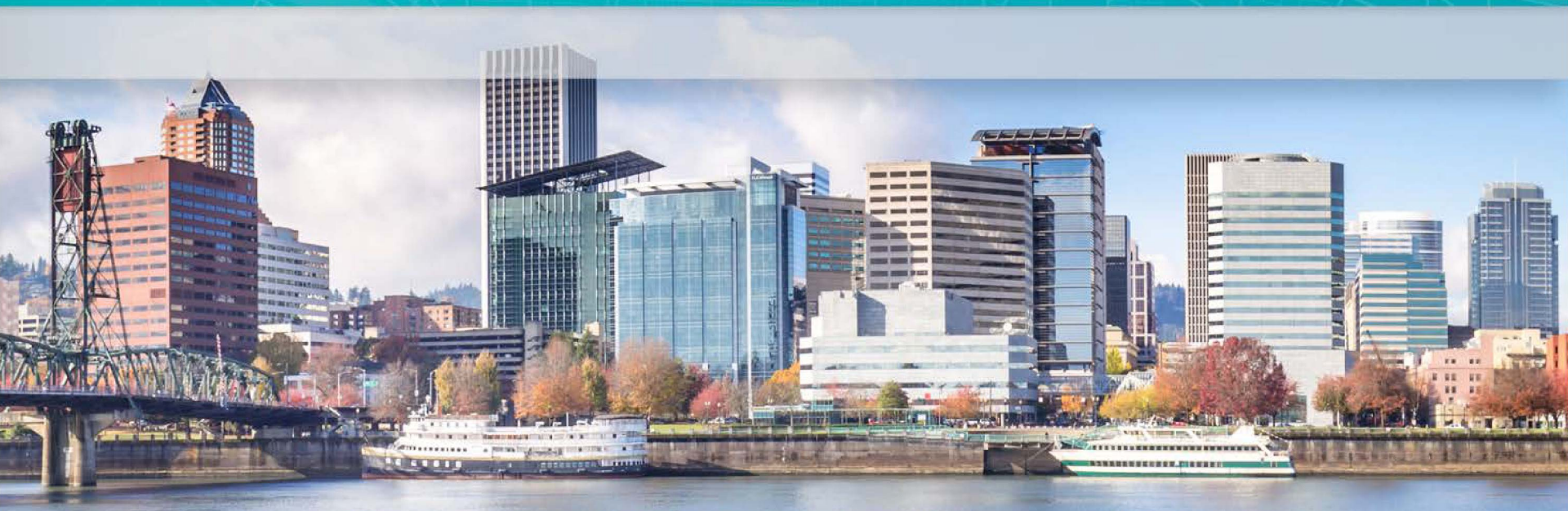


NE 57th Avenue & Killingsworth Street Local Improvement District Formation Hearing



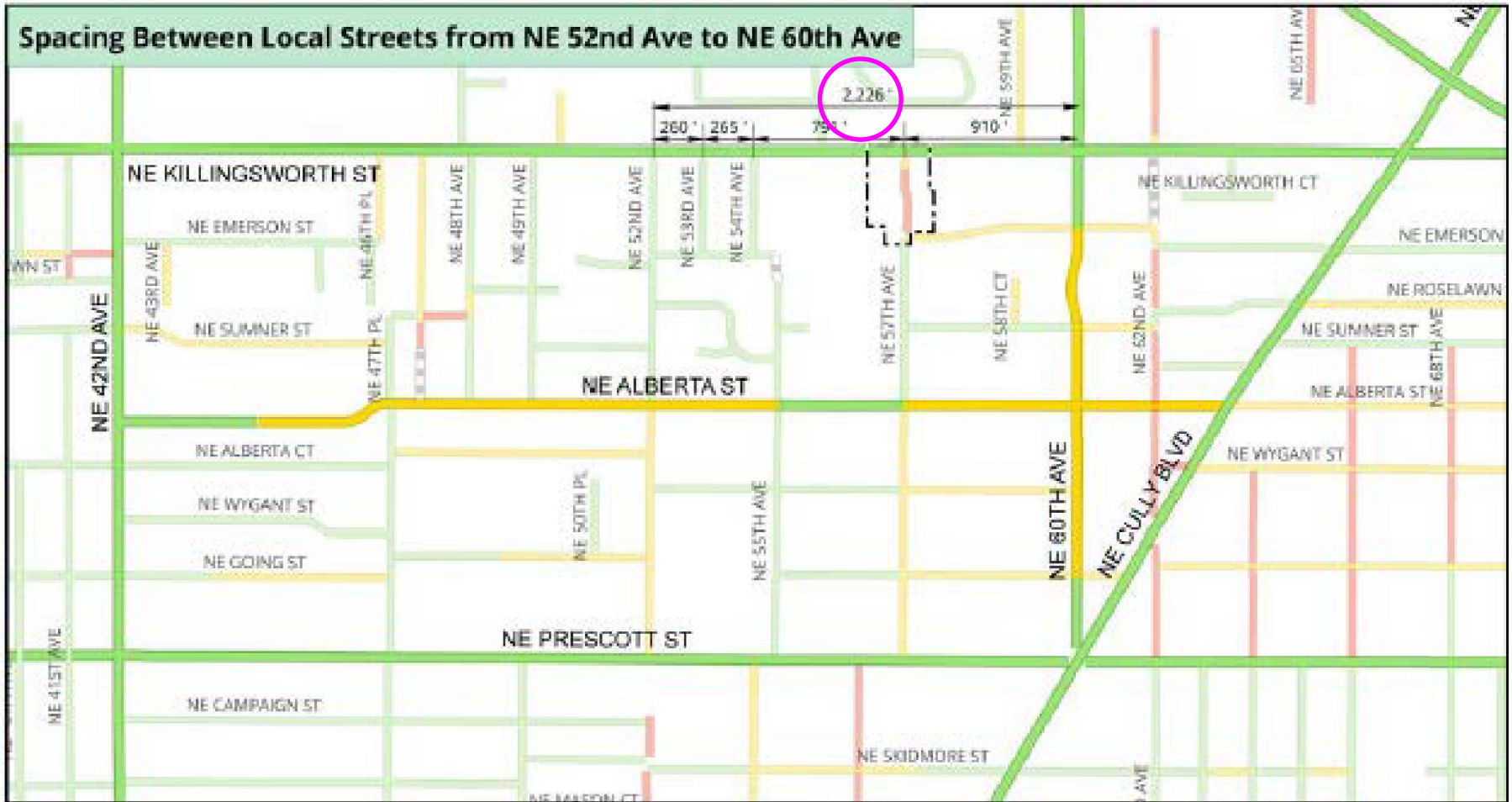
March 7, 2018 (continued from 2/28/18) - Agenda Item #224



PBOT
PORTLAND BUREAU OF TRANSPORTATION

Andrew Aebi, M.B.A., Local Improvement District Administrator

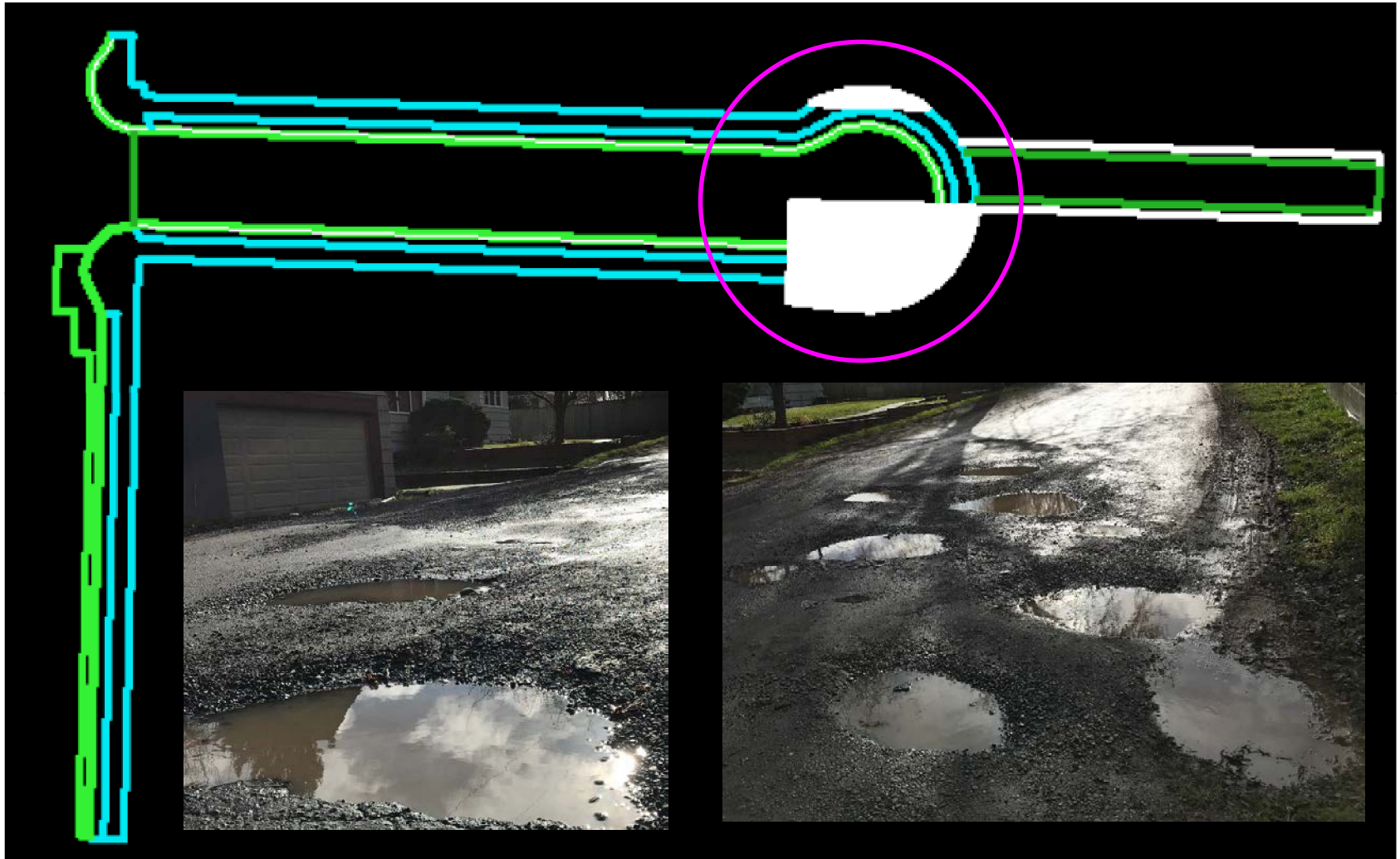
NE 57th Ave. & Cully North-South Local Streets



NE 57th Ave. & Cully North-South Collector Streets



NE 57th Ave. Street Widths: 28' and 22' In Lieu of 32' or Hypothetical Cul-de-Sac





PBOT Staff submission 3-7-2018
2011-03-04
1921 SE 171st Ave looking North toward Stephens St.

Parsons, Susan

From: Aebi, Andrew
Sent: Tuesday, March 20, 2018 11:07 AM
To: Moore-Love, Karla
Cc: Grumm, Matt; Parsons, Susan; Shaffner, Eric; Sollinger, Margie; Szigethy, Steven; Williams, Millicent
Subject: NE 57th & Killingsworth LID: Agenda Item #270 on 3/21/18

Good morning Karla,

After consultation with Commissioner Saltzman's office, I am providing an administrative recommendation to Council that the NE 57th & Killingsworth LID as currently proposed be abandoned. This recommendation is provided pursuant to Section 17.08.010.D.9 of City Code. Therefore I respectfully request that Council vote 'no' on the Ordinance tomorrow.

PBOT is evaluating options moving forward, and the property owners have been advised that testimony will not be accepted tomorrow. Please forward to the appropriate Council offices.

Thanks,

Andrew

Andrew Aebi MBA

Local Improvement District Administrator & South Portland Addressing Project Manager

City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

websites: www.portlandoregon.gov/transportation/article/82647 www.sixthsextant.com

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PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185

Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Dan Saltzman Commissioner Leah Treat Director

March 7, 2018

PROPOSED ADDITIONAL AMENDMENTS TO THE NE 57TH AVENUE & KILLINGSWORTH STREET LOCAL IMPROVEMENT DISTRICT ("LID") ORDINANCE

Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements in the NE 57th Ave and Killingsworth St Local Improvement District (Hearing; Ordinance; C-10061)

I. SUMMARY

These amendments are the result of feedback from the Cully Association of Neighbors Board and property owners participating in the LID.

1. Remove emergency clause contained in the first amendment memo dated 2/28/18.
2. Expressly authorize speed bumps.
3. Lower the posted speed limit from 25 to 20 miles per hour.
4. Expressly authorize a deferral of repayment of the LID liens for a minimum period not less than 5 years.
5. Direct PBOT to further explore the possibility of improving additional north-south street connections.
6. Allow the LID to pay for water meter installation solely at the abutting property owner's expense.
7. Authorize the City Engineer to omit construction by this LID of a new sidewalk at 5305 NE 57th Avenue.



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II. DETAIL OF PROPOSED AMENDMENTS

The Local Improvement District Administrator therefore requests that Council approve the following amendments:

1. The emergency clause included in the February 28, 2018 amendment memo is hereby removed.
2. The following final directives are hereby added:
 - a. Speed bumps may be installed within the LID boundary at the sole discretion of the City Engineer in which case a hearing will not be required under Section 17.08.080 of City Code.
 - b. The City Traffic Engineer is directed to lower the speed limit of NE 57th Avenue between NE Killingsworth and NE Emerson Street from 25 miles per hour to 20 miles per hour, and to employ additional traffic mitigation measures as may be appropriate if there is substantial noncompliance with the newly-posted speed limit.
 - c. The LID Administrator to prepare a separate and subsequent Ordinance for Council consideration to offer a deferral of payment of the LID obligation for a period of not less than 5 years or the sale of the property for which a deferral has been made, whichever is less. However, the LID Administrator will be under no obligation to prepare such an Ordinance if the City Attorney deems it necessary to file for eminent domain or if any property owner files for a writ of judicial review of this LID.
 - d. PBOT is hereby directed to explore opportunities for improving north-south streets in Cully to better disperse neighborhood traffic, including but not limited to nearby NE 60th Avenue.
 - e. Any property owner wishing to install a new water service may elect to have this expense borne by the LID and assessed solely to that property owner, thereby enabling the expense to be financed up to 20 years.

- f. A new sidewalk abutting 5305 NE 57th Avenue may be omitted at the sole discretion of the City Engineer in which case a hearing will not be required under Section 17.08.080 of City Code. If the sidewalk is removed from the LID plans, there will be no change to the assessment formula of the LID to effect a reduction in LID assessment solely for 5305 NE 57th Avenue, and the obligation of the current or future property owner to construct the new sidewalk is postponed but not eliminated, and shall be constructed in the future solely at property owner expense. PBOT shall acquire the necessary right-of-way to allow for construction of the sidewalk, whether as part of this LID or after final assessment of this LID.

Respectfully submitted,

Andrew H. Aebi

Andrew H. Aebi
Local Improvement District Administrator

Aebi, Andrew

From: Aebi, Andrew
Sent: Wednesday, March 07, 2018 10:30 AM
To: 'Danielle Walker'
Subject: RE: Changes to Amendment

Thank you, Danielle. I just copied the second amendment, but will recycle the copies to add what you are requesting.

Andrew

Andrew Aebi MBA

Local Improvement District Administrator & South Portland Addressing Project Manager

City of Portland | Bureau of Transportation

voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

websites: www.portlandoregon.gov/transportation/article/82647 www.sixthsextant.com

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From: Danielle Walker [mailto:daniellegwalker23@gmail.com]
Sent: Wednesday, March 07, 2018 10:24 AM
To: Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>
Subject: Re: Changes to Amendment

Thanks Andrew. If you aren't going to include the lucketts, please add in the option to exclude Conor's sidewalk under the conditions you shared on the phone.

On Wed, Mar 7, 2018 at 9:56 AM Aebi, Andrew <Andrew.Aebi@portlandoregon.gov> wrote:

Hi Danielle,

I just spoke with the City Traffic Engineer and I am working with him to craft a few sentences to address the concerns below. I will work these into a second amendment memo and will walk this over to Council. As we discussed this morning, this second amendment memo will remove the emergency clause so that the final vote will be on 3/14. There will be two (2) votes today on two (2) memoranda of amendments, but please understand that neither of these are a final vote on the LID.

I appreciate the good progress we have made over the past 24 hours or so. That said, the boundary amendment is likely to stand to avoid building partial frontage improvements for 5285 NE 57th Avenue. It was a close call when petitioning the LID as to whether to include this property, and given that the property owner has remonstrated and has not withdrawn her remonstrance, I believe it best that I provide an administrative recommendation to keep that property out of the LID.

I also would respectfully state that it is important that I provide options for Council to deal with this problem street, about which I first heard when Sam initially contacted me in January 2010. To not provide Council with the policy choice to approve or not approve the LID would result in a significant waste of public resources getting us to this point, and more importantly would simply not deal with the longstanding issues of at least eight (8) years.

I also want to make it clear that I do not want to establish a precedent that an LID petition could then lead to a property owner "vote" on whether to close a particular street. This is not an appropriate policy decision for Council; it should be made by the City Engineer and the City Traffic Engineer and I do not wish for the LID process to be a tool to usurp that decision-making process.

That said, Council is under no obligation to actually approve this LID at the final vote on 3/14. But I am confident that we are working in some good changes here, and I will make every effort to meet with you and others this weekend before the final vote on 3/17.

Thanks for working with me on this and for your yeoman's efforts in working with your neighbors. While we may disagree on the prudence of closing the street, the degree to which you try to understand your neighbors' concerns is both remarkable and commendable.

On a final note, the different interpretations of the Cully Plan are reasonable, and I believe underscore the importance of such plans being communicated in the context of other pre-existing requirements such as PCC 17.88 as it relates to street connectivity.

Andrew

Andrew Aebi MBA

Local Improvement District Administrator & South Portland Addressing Project Manager

City of Portland | Bureau of Transportation
voice 503.823.5648 | fax 503.823.7371

e-mail: andrew.aebi@portlandoregon.gov

websites: www.portlandoregon.gov/transportation/article/82647 www.sixthsextant.com

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From: Danielle Walker [mailto:daniellegwalker23@gmail.com]
Sent: Wednesday, March 07, 2018 9:31 AM
To: Sam Walker <samuelawalker9@gmail.com>; Aebi, Andrew <Andrew.Aebi@portlandoregon.gov>
Subject: Changes to Amendment

Hi Andrew –

As we discussed, here are the changes we would like to see to the amendment:

- Add requirement for speed bumps
- Add requirement for 3 way stop on 57th and Emerson
- Acknowledge that the remainder of 57th is not sufficient to absorb the increase in traffic. Solving the road improvement problem creates another problem for the rest of the street. The street is a major artery for pedestrians walking to the park on 52nd and Alberta.
 - o Add language that requires the city traffic engineers to explore diversions that will mitigate traffic increases and lessen the impact to those living along 57th

Also, as we discussed, I believe that trust in the process can be re-established if the LID is kept as originally developed. I hope you will consider keeping the Lucketts and we continue to work towards a path where residents support the plan, rather than be overruled by the City.

Please confirm that the City Council will not be voting to approve the LID today so that i can share that with the involved parties.

Thank you,

Danielle

Danielle Walker

Planning Specialist | Energy Efficiency

BONNEVILLE POWER ADMINISTRATION
bpa.gov | P 503-230-7314 | C 971-212-4936

PBOT

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1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185
Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Dan Saltzman Commissioner Leah Treat Director

March 5, 2018

PROPOSED AMENDMENTS TO THE NE 57TH AVENUE & KILLINGSWORTH STREET LOCAL IMPROVEMENT DISTRICT (“LID”) ORDINANCE

Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements in the NE 57th Ave and Killingsworth St Local Improvement District (Hearing; Ordinance; C-10061)

I. SUMMARY

These amendments would:

1. Correct scrivener’s errors in Finding No. 1, Finding No. 9 and Finding No. 14 of the Ordinance.
2. Replace Exhibit F and Exhibit G to reflect remonstrances received.
3. Remove 5285 NE 57th Avenue from the LID boundary; clarify the project limits in Finding No. 9, remove this property from the map in Exhibit ‘C’, adjust funding in Exhibit ‘D’ to reflect this removal, and create a new Exhibit H reflecting a new apportionment worksheet with no increase to existing pending lien amounts but changing the pending lien amount for 5285 NE 57th Avenue to zero.
4. Clarify the length of the sidewalk improvements being 346’ on the west side of the street and 378’ on the east side of the street, with 5285 NE 57th Avenue postponing but not eliminating future responsibility for frontage improvements upon redevelopment.
5. Overrule the remaining remonstrances and add an emergency clause.



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II. DETAIL OF PROPOSED AMENDMENTS

The Local Improvement District Administrator therefore requests that Council approve the following amendments:

1. Finding No. 1 is replaced with the following to correct scrivener's errors:

The Council approved Ordinance No. 185611 on September 12, 2012. While the classification of NE 57th Avenue between NE Killingsworth Street and Emerson Street is a Local Service Street, this project will improve overall street connectivity in the Cully Neighborhood in support of a desired future as a Neighborhood Center. This will result from improving the street grid by paving streets and unimproved rights-of-way is needed in order for Cully to accommodate more housing and business growth as envisioned in the Comprehensive Plan. The Transportation System Development Charge (TSDC) funding eligibility for NE 57th Avenue reflects its importance to the City beyond a typical local street.

2. Finding No. 9 is replaced with the following:

"The NE Killingsworth Street improvements will be constructed from 567 feet east of the east right-of-way line of NE 52nd Avenue to east right-of-way line of NE 57th Avenue, and the NE 57th Avenue improvements will be constructed from the south right-of-way line of NE Killingsworth Street to the north right-of-way line of NE Emerson Street (except that west sidewalk will be built only to the north property line of 5285 NE 57th Avenue), plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer as shown in the map in Exhibit C."

3. Finding No. 13 is changed to the following:

The original remonstrance level is evaluated in Exhibit F and the revised remonstrance level reflecting the removal of 5285 NE 57th Avenue from the LID is evaluated in Exhibit H. Council retains jurisdiction over the formation of the NE 57th Avenue & Killingsworth Street LID because the total remonstrance level is less than the 60% threshold established by Section 9-403 of the City Charter.

4. Finding No. 14 is amended to change "parcel" to "parcels" to correct a scrivener's error, and the reference to Exhibit F is changed to Exhibit H.

5. The reference to Exhibit 'F' in Directive 'a' is changed to Exhibit 'H'.
6. Exhibit 'C' is amended to remove 5285 NE 57th Avenue from the LID boundary at the request of the property owner per Attachment 2 of amended Exhibit G; however since Resolution No. 37340 has already been adopted by Council, previous petition support for this property cannot be withdrawn.
7. Exhibit 'D' is amended to decrease LID funding by \$3,854.55 and to increase SDC funding by \$3,854.55 subject to subsequent PBOT administrative approval with no change to total costs and funding of \$995,936.29.
8. Exhibit 'F' is replaced with the attached to reflect remonstrances received.
9. Exhibit 'G' is replaced with the attached to reflect remonstrances received.
10. The attached Exhibit H is appended to the Ordinance.
11. The following emergency clause is inserted: "The Council declares that an emergency exists because of the need to build additional housing in Cully as soon as possible; therefore, this ordinance shall be in full force and effect from and after its passage by the Council."

Respectfully submitted,



Andrew H. Aebi
Local Improvement District Administrator

Moore-Love, Karla

From: Aebi, Andrew
Sent: Friday, March 16, 2018 1:21 PM
To: Council Clerk – Testimony
Cc: Mahon, Elizabeth; Backes, David; Webb, Ryan (Transportation); Huntsinger, Eva; Sullivan, Andrew; McEldowney, David; Maloney, Martin
Subject: NE 57th & Killingsworth LID: Trinity Lutheran Church Testimony for Agenda Item #270 on 3/21/18
Attachments: Trinity Lutheran Church & School Testimony for Agenda Item 270 Received 2018-03-16.pdf

Karla and Sue,

Please enter the attached written testimony into the record of Agenda Item #270 for Council consideration next week. I will bring hard copies to Council. Just to explain the pages:

- Page 1 is a cover letter from Lanny Afrank of Trinity Church & School; he plans on testifying at Council next week.
- Page 2 is a map of the additional north-south street connection on NE 55th Avenue, which PBOT GIS shows to be a 139-foot gap separating what are currently two (2) dead-end streets. Per my meeting with Trinity this morning, they have indicated their willingness to donate the area highlighted in yellow to allow PBOT to complete the street connection.
- Page 3 is an aerial map prepared by Trinity showing the current narrow right-of-way (25'-wide according to GIS).
- Page 4 is an aerial map prepared by Trinity showing the future right-of-way width of 50'. The exact amount of the future dedication is to be confirmed.
- Page 5 is an aerial view, also prepared by Trinity, showing where Emerson and 55th dead-end, where people drive through the ball field to get through.

Please forward to the appropriate Council offices.

Thanks,

Andrew

Andrew Aebi MBA

Local Improvement District Administrator & South Portland Addressing Project Manager

City of Portland | Bureau of Transportation

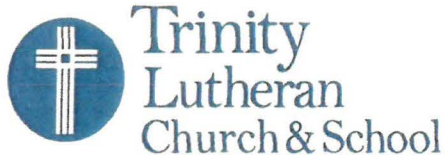
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websites: www.portlandoregon.gov/transportation/article/82647 www.sixthsextant.com

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503.288.6403 • office@TrinityPortland.org • fax 503.288.1095
TrinityPortland.org • 5520 NE Killingsworth • Portland, Oregon 97218

Dear Andrew Aebi,

After looking at the proposal to extend 55th Ave. through to Emerson St. we agree that this project will benefit the community and Trinity. We have long felt that the pedestrian traffic cutting through our field needed a better and safer way to get to the buses on Killingsworth. It will also share motor traffic with 57th Ave. and complete the North/South bike way.

Trinity would consider donating the right-of-way through the south western portion of TL400 required to connect 55th Ave. and Emerson St. to the City of Portland

We look forward to working with you in this project.

Lanny Afrank

Properties/Finance Chair
Trinity Lutheran Church and School







NE 57TH AVE AND KILLINGSWORTH ST LID

IF YOU WISH TO SPEAK TO CITY COUNCIL, **PRINT** YOUR NAME, ADDRESS, AND EMAIL.

| NAME (PRINT) | ADDRESS AND ZIP CODE (Optional) | Email (Optional) |
|-------------------|------------------------------------|------------------|
| ✓ Samuel Walker | 5711 NE Emerson St 97218 | |
| ✓ Holly Webber | 5708 NE Killingsworth St | |
| ✓ Dale Walker | 5711 NE Emerson 97218 | |
| ✓ Connor Divine | 5305 NE 57 th Ave | |
| ✓ Danielle Walker | 5711 NE Emersons St 97218 | |
| ✓ Laura Young | 6624 NE Going St 97218 | |
| ✓ THOMAS MCEIKY | 5252 NE 57 TH AVE 97218 | |
| | | |
| | | |
| | | |
| | | |



CULLY ASSOCIATION OF NEIGHBORS

Central Northeast Neighbors

4415 NE 87th Avenue

Portland, Oregon 97220

March 5, 2018

To: Mayor Wheeler and City Commissioners
1221 SW Fourth Avenue
Portland, OR 97204

RE: Letter of support for formation of a Local Improvement District formation at NE Killingsworth & NE 57th Avenue

Dear Mayor Wheeler and Members of Council,

The Cully Association of Neighbors (CAN) general assembly made a commitment in 2015 to support inclusive and equitable utilization of community resources and community serving economic development activities. As part of CAN's commitment to equity, inclusion and anti-displacement initiatives, the CAN board engaged the community in drafting and adopting a formal anti-displacement policy, "Inclusive Cully". Although the CAN Board appreciates the concerns around quality of life expressed by a handful of individual property owners along, the CAN Board is compelled by moral and social obligation to weigh the self interested desires of a privileged few against the genuine need and right to safe and accessible streets of the entire community.

In the case of the objection to the Local Improvement District on NE 57th Avenue, a two property owners with unusually large landholdings are requesting to City to remove public access to a public street in Cully, where local street connectivity is some of the worst in the entire City. In Cully it is commonly known that NE 57th Avenue is utilized by a large numbers of low income renters living nearby, such as those at the Arbor Mobile Home Park. There are nearly two hundred children residing at or near the Arbor whose families access Rigler Elementary and Khunamokwst Park on NE 54th Avenue, due to limited connectivity of surrounding streets. In addition, north/south street connections are extremely limited and sidewalks are nearly nonexistent in Cully. In fact, in all of Cully there are only three streets with a straight line connection between the neighborhood boundaries of NE 42nd and NE 82nd and none of these have continuous sidewalk connections; NE 52nd Ave., NE 57th Ave. and NE 60th Avenue. In light of these realities, improving and maintaining existing connectivity while equitably distributing auto oriented traffic remains one of the highest community identified priorities for Cully.

In addition CAN will submit to Council the following consideration; there are five lots greater than 25,000 square feet between Killingsworth and Alberta on NE 57th Avenue and three of these lots are already included in the current 57th Avenue LID proposal. Two of these large lots are owned by landholders opposing the formation of the LID... Given the likelihood of future development of these five unusually large lots into multi-unit housing, the proposal to close 57th between these two properties in order to functionally create a private drive makes little sense in terms of equitable community benefit. Additionally, as density on the street is likely to increase traffic substantially in the future, closing the street would only move the burden of increased vehicle traffic to surrounding local streets, which will not have the added benefit of a subsidized LID to promote safer traffic flow. Closing NE 57th Ave. would also exacerbate traffic congestion on the already overburdened 60th Avenue, due to the diminished connectivity and add congestion of surrounding streets cause by the closure. Therefore, closing any portion of the north/south connection grid, including NE 57th Ave., in the already deficient and overburdened area cannot be supported by CAN.

Finally, CAN would like to commend PBOT for continuing efforts to provide an equitable voice to the residents of neighborhoods most affected by unimproved local streets and other infrastructure deficits, and for the extensive community engagement process utilized in weighing the best possible outcomes for all residents. For these reasons the CAN Board unanimously supports the formation of the NE 57th Avenue LID.

Sincerely,

Laura Young
Chair, Cully Association of Neighbors
4415 NE 87th Avenue
Portland, OR 97218

IMPACT STATEMENT

Legislation Title: Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements in the NE 57th Ave and Killingsworth St Local Improvement District (Hearing; Ordinance; C-10061)

Contact name: Andrew Aebi

Contact phone: 503-823-5648

Presenter name: Andrew Aebi

Purpose of proposed legislation and background information:

This Ordinance will give final approval to formation of a local improvement district ("LID") to construct street, sidewalk, stormwater and sanitary sewer improvements to NE 57th Avenue and curb and sidewalk only improvements to NE Killingsworth Street. Complaints have been received about the condition of currently unpaved NE 57th Avenue for over 5 years, and a pending development by Habitat for Humanity coupled with new Transportation System Development Charge funding provides a one-time opportunity to improve the street at a significantly reduced cost for property owners.

The prior Resolution on this LID initiated LID formation proceedings with over 80% petition support of property owners.

Cully Association of Neighbors has been extensively involved in the discussions related to this proposed LID.

Financial and budgetary impacts:

- Property owners' assessments for existing development from \$3,855 to \$58,978.47; however, the property with the largest proposed assessment will be offered fair market value compensation for right-of-way acquisition which will defray a portion of this assessment.
- The level of confidence is Low.
- No change to staffing levels.
- 10% of the LID revenue (\$557,033.90) is to be added to the FY17-18 fiscal year budget (\$55,703) and 90% of the LID revenue (\$557,034) is to be added to the FY18-19 fiscal year budget. 100% of the PBOT SDC revenue (\$326,422) to be added to the FY18-19 fiscal year budget.
- The project is not currently in the 5-year CIP but is on the current Transportation System Development Charge (TSDC) list of projects.

Community impacts and community involvement:

The LID Administrator has received requests for street, sidewalk and stormwater improvements since 2012. A key objective of this project is to address the disparate racial impacts caused by the lack of street, stormwater and sidewalk infrastructure in the project area. Cully Association of Neighbors has a significantly higher population of African-American and Hispanic residents than the City as a whole, and this project will improve

pedestrian and bicycle access to nearby Rigler Elementary school and to nearby Khunamokwst Park.

100% Renewable Goal:

This action will have no impact on the City's total or renewal energy use; however, multimodal transportation will be encouraged, thereby reducing greenhouse gas emissions.

Budgetary Impact Worksheet

Does this action change appropriations?

- YES:** Please complete the information below.
- NO:** Skip this section

| Fund | Fund Center | Commitment Item | Functional Area | Funded Program | Grant | Sponsored Program | Amount |
|------|-------------|-----------------|-----------------|----------------|-------|-------------------|--------|
| | | | | | | | |
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| | | | | | | | |

EXHIBIT A

Volume: Unassigned
 City of Portland
 Lien Accounting System

Page: 1
 Run date: 02/06/2018

Hearing Estimate Assessment Notice Register

Auditor File No C10061 NE 57TH & KILLINGSWORTH ST LID - CONTSTRUCT STREET, SIDEWALK
 AND STORMWATER IMPROVEMENTS IN THE NE 57TH AVENUE AND
 KILLINGSWORTH STREET LOCAL IMPROVEMENT DISTRICT

| | |
|------------------------------------|----------------------|
| <u>Ordinance #</u> | <u>Approval Date</u> |
| Formation: 37340 | 01/24/2018 |
| Assessment: | |
| Registry (Notice) Date: 02/07/2018 | |
| Objection Deadline: 2/21/2018 | |
| Hearing Date: 2/28/2018 | |

| Account Number Legal Description | Property Address Mailing Name/Address | Assessment Amount Assessment Value |
|---|--|--|
| Tax Number: R251600050 County Code: M Account Id: 163396 Property Id: R157349 Full Legal Description: EMERSON ESTATES, LOT 1, INC UND 1/3 INT TRACT A | Full Address: 5285 NE 57TH AVE PORTLAND OR 97218 Mailing Name & Address: LUCKETT,NEKICIA D 5285 NE 57TH AVE PORTLAND OR 97218-2547 | Assmt Amt: 3,854.55 Assmt Value: Inv #: Lot Size: 0 # Branches: 0.00 Finance Plan: 0001 Option: 1 |
| Tax Number: R676000010 County Code: M Account Id: 163397 Property Id: R250079 Full Legal Description: PRIMROSE PK, BLOCK 1, N 104' OF LOT 1&2 EXC PT IN ST | Full Address: 5708 NE KILLINGSWORTH ST PORTLAND OR 97218 Mailing Name & Address: WACHTMAN,ERIC J & WEBSTER,HOLLY A 5708 NE KILLINGSWORTH ST PORTLAND OR 97218 | Assmt Amt: 22,569.72 Assmt Value: Inv #: Lot Size: 0 # Branches: 0.00 Finance Plan: 0001 Option: 1 |
| Tax Number: R676000030 County Code: M Account Id: 163398 Property Id: R250080 Full Legal Description: PRIMROSE PK, BLOCK 1, S 71' OF LOT 1&2 | Full Address: 5406 NE 57TH AVE PORTLAND OR 97218 Mailing Name & Address: MESFIN,ETEGE 5406 NE 57TH AVE PORTLAND OR 97218-2550 | Assmt Amt: 17,043.72 Assmt Value: Inv #: Lot Size: 0 # Branches: 0.00 Finance Plan: 0001 Option: 1 |

Volume: Unassigned
 City of Portland
 Lien Accounting System

Page: 2
 Run date: 02/06/2018

Hearing Estimate Assessment Notice Register

Auditor File No C10061 NE 57TH & KILLINGSWORTH ST LID - CONTSTRUCT STREET, SIDEWALK
 AND STORMWATER IMPROVEMENTS IN THE NE 57TH AVENUE AND
 KILLINGSWORTH STREET LOCAL IMPROVEMENT DISTRICT

| | |
|--------------------------------|----------------------|
| <u>Ordinance #</u> | <u>Approval Date</u> |
| Formation: 37340 | 01/24/2018 |
| Assessment: | |
| <u>Registry (Notice) Date:</u> | <u>02/07/2018</u> |
| <u>Objection Deadline:</u> | <u>2/21/2018</u> |
| <u>Hearing Date:</u> | <u>2/28/2018</u> |

| <u>Account Number</u> <u>Legal Description</u> | <u>Property Address</u> <u>Mailing Name/Address</u> | <u>Assessment Amount</u> <u>Assessment Value</u> |
|---|---|---|
| Tax Number: R676000270 County Code: M Account Id: 163399 Property Id: R250091 Full Legal Description: PRIMROSE PK, BLOCK 1, LOT 14&15 | Full Address: 5711 NE EMERSON ST PORTLAND OR 97218 Mailing Name & Address: WALKER,SAMUEL A-1/2 & WALKER,DALE S & WALKER,SANDY J-1/2 5711 NE EMERSON ST PORTLAND OR 97218-2405 | Assmt Amt: 43,828.41 Assmt Value: Inv #: Lot Size: 0 # Branches: 0.00 Finance Plan: 0001 Option: 1 |
| Tax Number: R942195550 County Code: M Account Id: 163400 Property Id: R318130 Full Legal Description: SECTION 19 1N 2E, TL 1400 0.66 ACRES | Full Address: 5305 NE 57TH AVE PORTLAND OR 97218 Mailing Name & Address: DIVINE,CONOR 5305 NE 57TH AVE PORTLAND OR 97218-2587 | Assmt Amt: 58,978.47 Assmt Value: Inv #: Lot Size: 0 # Branches: 0.00 Finance Plan: 0001 Option: 1 |
| Tax Number: R942195710 County Code: M Account Id: 163401 Property Id: R318143 Full Legal Description: SECTION 19 1N 2E, TL 100 0.77 ACRES | Full Address: 5640 NE KILLINGSWORTH ST PORTLAND OR 97218 Mailing Name & Address: HABITAT FOR HUMANITY PORTLAND/METRO EAST 1478 NE KILLINGSWORTH ST PORTLAND OR 97211-4981 | Assmt Amt: 410,759.03 Assmt Value: Inv #: Lot Size: 0 # Branches: 0.00 Finance Plan: 0001 Option: 1 |

Volume: Unassigned

Page: 3

City of Portland
Lien Accounting System

Run date: 02/06/2018

Hearing Estimate Assessment Notice Register

Auditor's File No. C10061

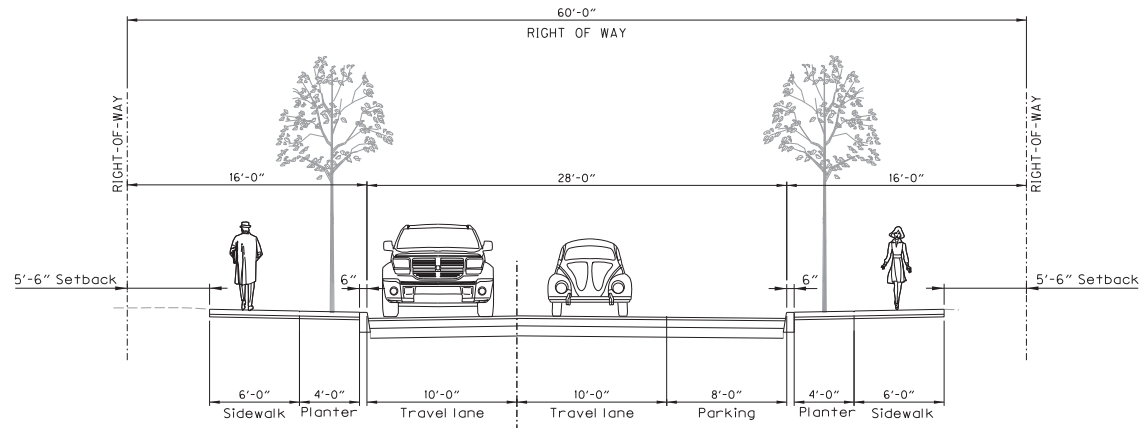
| | Ordinance # | Approval Date |
|-------------|-------------|---------------|
| Formation: | 37340 | 01/24/2018 |
| Assessment: | | |

| | |
|-------------------------|-----------------------|
| Registry (Notice) Date: | 02/07/2018 |
| Objection Deadline: | 02/21/2018 |
| Hearing Date: | 02/28/2018 |

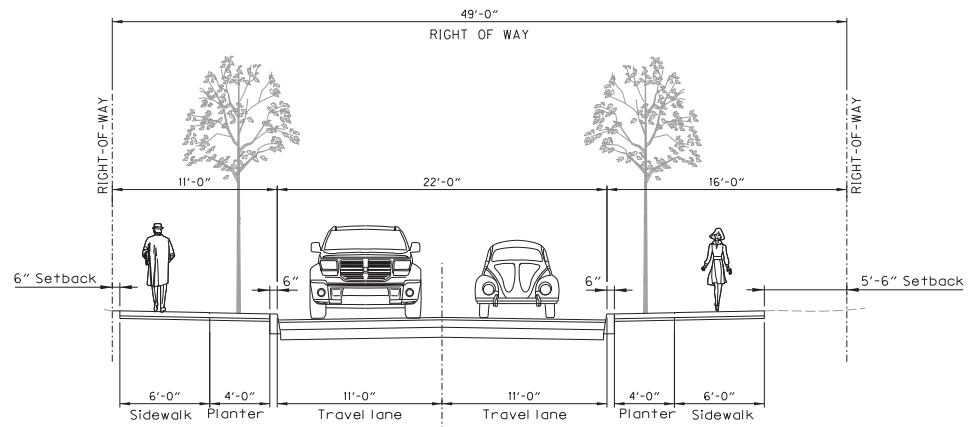
| Account Number | Property Address | Assessment Amount |
|-------------------|------------------|-------------------|
| Legal Description | Mailing Name | Assessment Value |
| | Mailing Address | |

| | |
|----------------------------|------------|
| Total Number of Accounts: | 6 |
| Total Property Assessment: | 557,033.90 |

EXHIBIT B

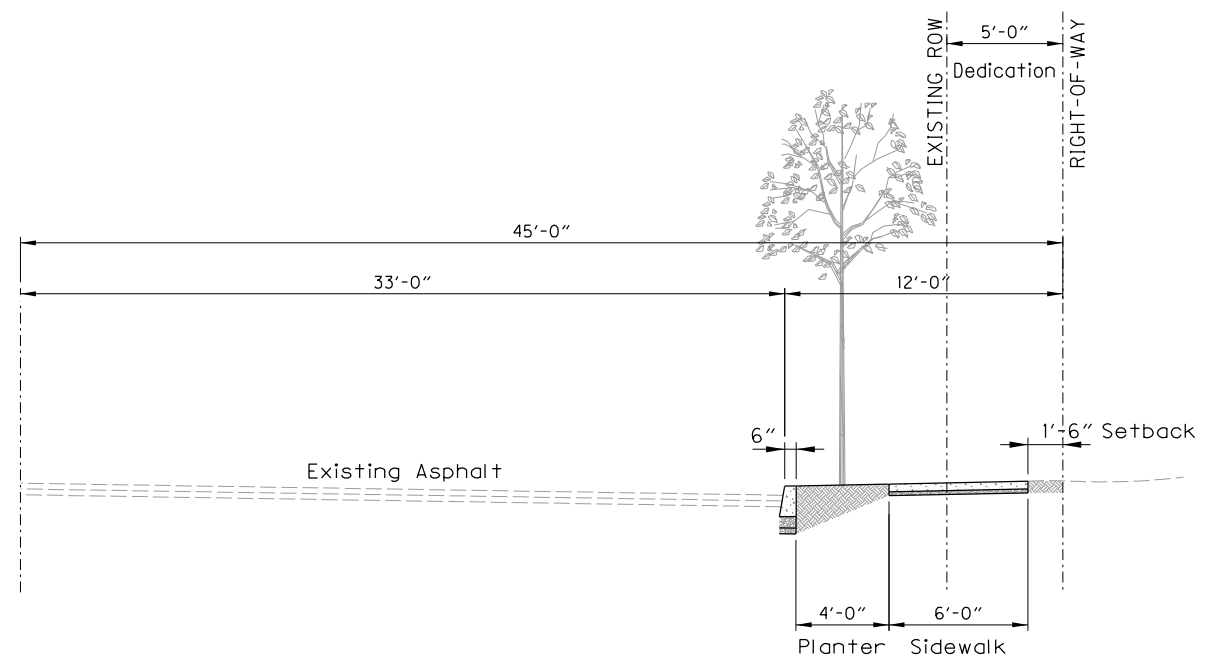


5640 NE 57TH AVE FRONTAGE



5648 NE 57TH AVE FRONTAGE

Exhibit B



NE KILLINGSWORTH ST



NE 57th & Killingsworth LID Map



0 50 Feet

All properties 1N2E 19

Subject Area

Subject Area Boundary

Taxlots in Subject Area

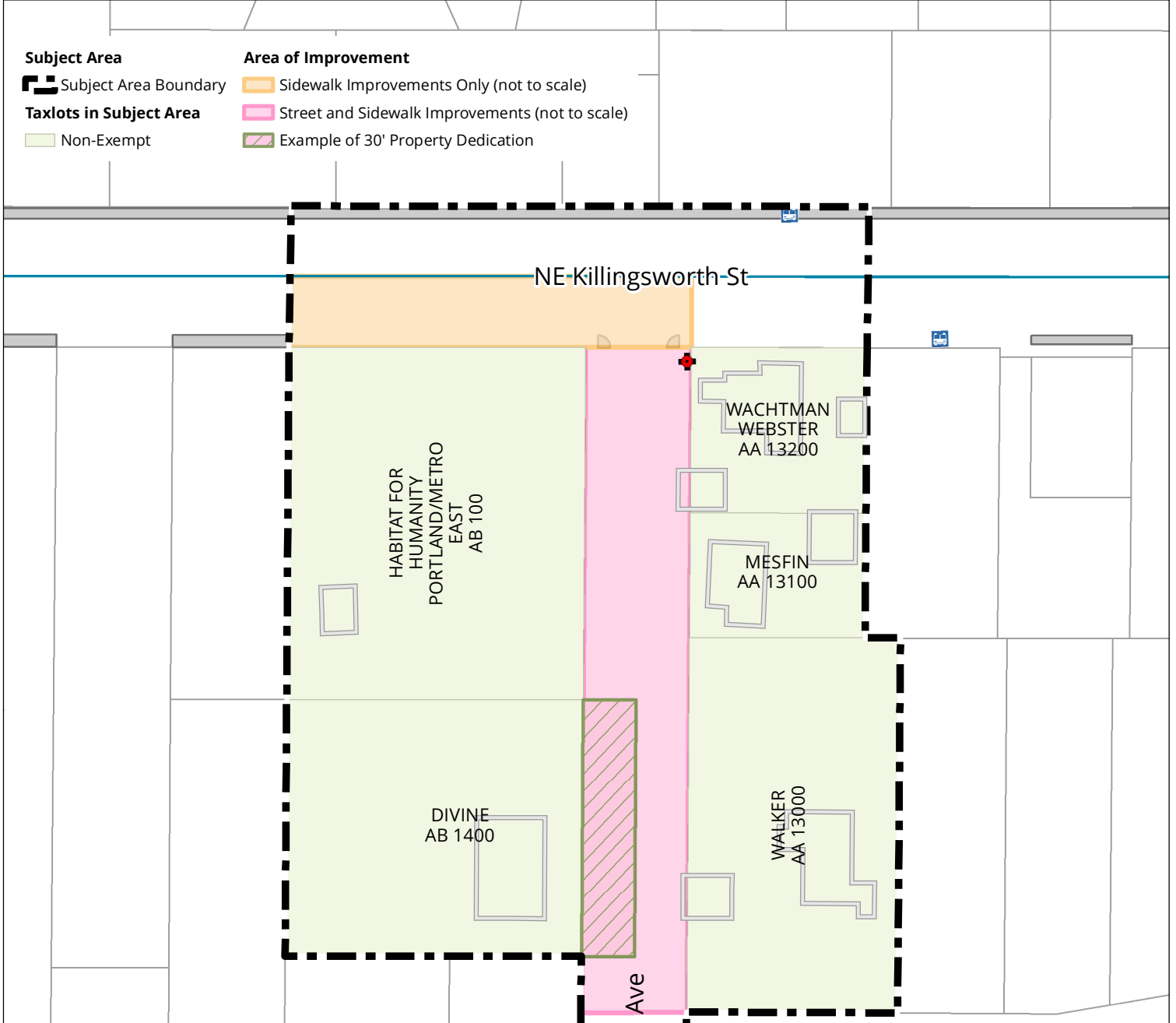
Non-Exempt

Area of Improvement

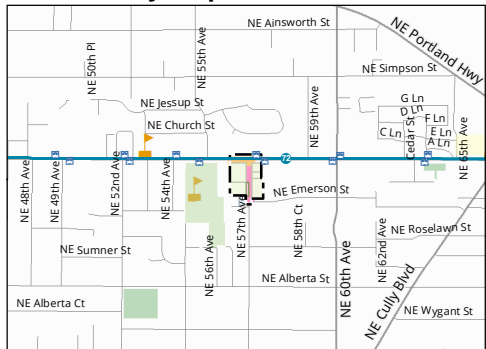
Sidewalk Improvements Only (not to scale)

Street and Sidewalk Improvements (not to scale)

Example of 30' Property Dedication



Connectivity Map



Subject Area
 TriMet Bus Stop
 TriMet Bus Line and Route Number

Existing Conditions

- Street Lights
- Fire Hydrants
- Bus Line
- Bus Stops
- Existing Curbs
- Existing Edge of Pavement
- Existing Sidewalks

CITY OF PORTLAND, OREGON
BUREAU OF TRANSPORTATION

LOCAL IMPROVEMENT DISTRICT ADMINISTRATOR'S FINAL ESTIMATE
of the various kinds of work performed in the street, stormwater, sidewalk and sanitary sewer improvement of:

NE 57th Avenue and Killingsworth Street Local Improvement District

Construction

Construction Estimate

| | | |
|--|--------------|--------------|
| Bid Items - Habitat for Humanity | \$175,800.53 | |
| Bid Items - Other Property Owners | \$208,600.88 | |
| | | \$384,401.41 |
| Anticipated Items - Habitat for Humanity | \$17,830.05 | |
| Anticipated Items - Other Property Owners | \$47,110.09 | |
| | | \$64,940.14 |
| Construction Contingency - Habitat for Humanity | \$8,790.00 | |
| Construction Contingency - Other Property Owners | \$10,430.00 | |
| | | \$19,220.00 |
| | | \$468,561.55 |

Engineering

Engineering Estimate

| | | |
|---|-------------|--------------|
| Design Engineering - Habitat for Humanity | \$43,950.00 | |
| Design Engineering - Other Properties | \$52,150.00 | |
| | | \$96,100.00 |
| Construction Engineering - Habitat for Humanity | \$26,370.00 | |
| Construction Engineering - Other Properties | \$31,290.00 | |
| | | \$57,660.00 |
| | | \$153,760.00 |

Project Management

Project Management

\$19,220.07

Right-of-Way Acquisition

Appraisals, Negotiation and Property Rights

\$85,872.00

Contingency

| | | |
|--------------|-------------|--------------|
| Inflation | \$92,050.69 | |
| Scope Change | \$46,025.31 | |
| | | \$138,076.00 |

Auditor's & Financing Costs

| | | |
|---|--|-------------|
| LID Construction Fund - Progress Payment Interest | | \$14,548.87 |
| LID Construction Fund - Superintendence | | \$3,249.80 |
| Recording | | \$168.00 |
| | | \$17,966.67 |

Overhead

| | | |
|----------------------|--|--------------|
| PBOT personnel costs | | \$112,480.00 |
|----------------------|--|--------------|

TOTAL PROJECT COSTS

\$995,936.29

Property Owner Share

| | | |
|----------------------|--------------|--------------|
| Habitat for Humanity | \$410,759.03 | |
| Other Properties | \$142,420.32 | |
| | | \$553,179.35 |

Portland Office of Transportation

| | | |
|---|--------------|--------------|
| Transportation System Development Charge (TSDC) Revenue | \$330,276.94 | |
| Absorption of overhead | \$112,480.00 | |
| | | \$442,756.94 |

TOTAL PROJECT FUNDING

\$995,936.29

CITY OF PORTLAND, OREGON
 BUREAU OF TRANSPORTATION
 PRELIMINARY ENGINEER'S ESTIMATE

ESTIMATE FOR ENTIRE LID

PRELIMINARY ENGINEER'S ESTIMATE FOR THE IMPROVEMENT OF NE 57TH AVE FROM NE KILLINGSWORTH TO NE EMERSON

VALUES IN BLUE ARE PERCENT OF CONTRACT.

BID ITEMS

| NO. | ITEMS OF WORK AND MATERIALS | CLASS OF WORK | UNIT | TOTAL QUANTITY | UNIT PRICE | TOTAL | ZONE A - HABITAT FOR HUMANITY | ZONE B - OTHER |
|-----|---|---------------|------|----------------|--------------|-------------|-------------------------------|----------------|
| 1 | MOBILIZATION | n/a | LS | 1.00 | \$ 31,709.76 | \$31,709.76 | \$14,502.60 | \$17,207.16 |
| 2 | TEMPORARY PROTECTION & DIRECTION OF TRAFFIC | 13 | LS | 1.00 | \$ 9,512.93 | \$9,512.93 | \$4,350.78 | \$5,162.15 |
| 24 | EROSION CONTROL | 11 | LS | 1.00 | \$ 3,170.98 | \$3,170.98 | \$1,450.26 | \$1,720.72 |
| 31 | POLLUTION CONTROL PLAN | 12 | LS | 1.00 | \$ 317.10 | \$317.10 | \$145.03 | \$172.07 |
| 35 | REMOVAL OF PIPES | 1 | FOOT | 0.00 | \$ 25.30 | \$0.00 | \$0.00 | \$0.00 |
| 36 | REMOVAL OF CURBS | 1 | FOOT | 160.00 | \$ 7.30 | \$1,168.00 | \$1,168.00 | \$0.00 |
| 37 | REMOVAL OF WALKS AND DRIVEWAYS | 1 | SQYD | 37.50 | \$ 13.90 | \$521.25 | \$521.25 | \$0.00 |
| 44 | REMOVAL OF STRUCTURES & OBSTRUCTIONS | 1 | LS | 1.00 | \$ 12,683.91 | \$12,683.91 | \$5,801.04 | \$6,882.87 |
| 45 | REMOVAL OF FENCES | 1 | FOOT | 170.39 | \$ 3.06 | \$521.39 | \$0.00 | \$521.39 |
| 46 | CLEARING AND GRUBBING | 1 | LS | 1.00 | \$ 9,909.09 | \$9,909.09 | \$4,524.81 | \$5,384.28 |
| 50 | GENERAL EXCAVATION | 1 | CUYD | 636.00 | \$ 49.00 | \$31,164.00 | \$10,780.00 | \$20,384.00 |
| 54 | 12 INCH SUBGRADE STABILIZATION | 1 | SQYD | 144.30 | \$ 30.17 | \$4,353.53 | \$1,490.40 | \$2,863.13 |
| 59 | SUBGRADE GEOTEXTILE | 1 | SQYD | 1,443.00 | \$ 1.25 | \$1,803.75 | \$617.50 | \$1,186.25 |
| 79 | 8 INCH PIPE, PVC ASTM D3034 SDR35, BEDDING TYPE: D | | FOOT | 40.00 | \$ 90.00 | \$3,600.00 | \$0.00 | \$3,600.00 |
| 80 | 10 INCH PIPE, PVC ASTM D3034 SDR35, BEDDING TYPE: D, COMPLETE | | FOOT | 185.23 | \$ 110.00 | \$20,375.30 | \$12,768.80 | \$7,606.50 |
| 81 | 12 INCH PIPE, PVC ASTM D3034 SDR35, BEDDING TYPE: D, COMPLETE | | FOOT | 24.00 | \$ 120.00 | \$2,880.00 | \$2,880.00 | \$0.00 |
| 91 | CONCRETE MANHOLES, SANITARY SEWER | 1 | EACH | 1.00 | \$ 3,460.00 | \$3,460.00 | \$0.00 | \$3,460.00 |
| 93 | CONCRETE MANHOLES, SEDIMENTATION | 1 | EACH | 0.00 | \$ 5,610.00 | \$0.00 | \$0.00 | \$0.00 |
| 97 | CONCRETE INLETS, TYPE CG-2 | 1 | EACH | 6.00 | \$ 1,900.00 | \$11,400.00 | \$3,800.00 | \$7,600.00 |
| 109 | CATCH BASINS, METAL SUMP | 1 | EACH | 0.00 | \$ 1,710.00 | \$0.00 | \$0.00 | \$0.00 |
| 112 | ADJUSTING BOXES | 1 | EACH | 3.00 | \$ 217.00 | \$651.00 | \$434.00 | \$217.00 |
| 116 | MINOR ADJUSTMENT OF MANHOLES | 1 | EACH | 1.00 | \$ 642.00 | \$642.00 | \$642.00 | \$0.00 |
| 135 | RETAINING WALL, CONVENTIONAL SEGMENTAL | 2 | SQFT | 1,650.00 | \$ 43.30 | \$71,445.00 | \$42,867.00 | \$28,578.00 |
| 147 | AGGREGATE BASE, 8 INCH THICK | | SQYD | 1,443.00 | \$ 12.30 | \$17,748.90 | \$6,076.20 | \$11,672.70 |
| 150 | LEVEL 3, 1/2 INCH DENSE, MWMAC MIXTURE | 6 | TON | 252.00 | \$ 89.50 | \$22,554.00 | \$7,697.00 | \$14,857.00 |
| 155 | 16 INCH ASPHALT CONCRETE PAVEMENT REPAIR | | SQYD | 79.64 | \$ 112.00 | \$8,919.40 | \$8,919.40 | \$0.00 |
| 164 | CONCRETE CURBS, CURB AND GUTTER | 12 | FOOT | 0.00 | \$ 33.03 | \$0.00 | \$0.00 | \$0.00 |
| 165 | CONCRETE CURBS, STANDARD CURB | 12 | FOOT | 886.75 | \$ 25.50 | \$22,612.13 | \$9,238.14 | \$13,373.99 |
| 169 | CONCRETE DRIVEWAYS | 12 | SQFT | 1,401.00 | \$ 8.40 | \$11,768.40 | \$3,654.00 | \$8,114.40 |
| 171 | CONCRETE WALKS | 12 | SQFT | 5,489.80 | \$ 7.40 | \$40,624.52 | \$16,414.30 | \$24,210.22 |
| 177 | CONCRETE DRIVEWAY CONNECTIONS | 12 | SQFT | 130.00 | \$ 7.75 | \$1,007.50 | \$310.00 | \$697.50 |
| 178 | CONCRETE SIDEWALK RAMPS | 12 | EACH | 1.00 | \$ 1,930.00 | \$1,930.00 | \$0.00 | \$1,930.00 |

EXHIBIT E

| NO. | ITEMS OF WORK AND MATERIALS | CLASS OF WORK | UNIT | TOTAL QUANTITY | UNIT PRICE | TOTAL | ZONE A - HABITAT FOR HUMANITY | ZONE B - OTHER |
|-----------------|-------------------------------------|---------------|------|----------------|------------|--------------|-------------------------------|----------------|
| 217 | REMOVE & REINSTALL EXISTING SIGNS | 9 | LS* | 1.00 | \$ 167.00 | \$167.00 | \$0.00 | \$167.00 |
| 252 | LAWN SEEDING | 11 | SQYD | 391.69 | \$ 10.04 | \$3,932.57 | \$1,620.02 | \$2,312.55 |
| 253 | TOPSOIL | 11 | CUYD | 65.00 | \$ 60.00 | \$3,900.00 | \$1,620.00 | \$2,280.00 |
| 256 | DECIDUOUS TREES, 2-1/2 INCH CALIPER | 11 | EACH | 34.00 | \$ 822.00 | \$27,948.00 | \$11,508.00 | \$16,440.00 |
| TOTAL BID ITEMS | | | | | | \$384,401.41 | \$175,800.53 | \$208,600.88 |

ANTICIPATED ITEMS

| NO. | ITEMS OF WORK AND MATERIALS | CLASS OF WORK | UNIT | TOTAL QUANTITY | UNIT PRICE | TOTAL | ZONE A - HABITAT FOR HUMANITY | ZONE B - OTHER |
|-------------------------|---|---------------|------|----------------|--------------|-------------|-------------------------------|----------------|
| 1 | RIGHT OF WAY MONUMENTATION | | LS | 0.00 | \$ - | \$0.00 | \$0.00 | \$0.00 |
| 2 | RELOCATE WATER FACILITIES - FIRE HYDRANT | | EACH | 1.00 | \$ 20,000.00 | \$20,000.00 | \$0.00 | \$20,000.00 |
| 3 | RELOCATE WATER FACILITIES - METER | | EACH | 1.00 | \$ 6,000.00 | \$6,000.00 | \$0.00 | \$6,000.00 |
| 15 | BOLI FEE PAYMENT | | LS | 1.00 | \$ 384.40 | \$500.00 | \$250.00 | \$250.00 |
| 16 | CONTRACT CONTINGENCY (REQUIREMENT TO ACCEPT BIDS UP TO 10% OVER ESTIMATE) | | LS | 1.00 | \$ 38,440.14 | \$38,440.14 | \$17,580.05 | \$20,860.09 |
| TOTAL ANTICIPATED ITEMS | | | | | | \$64,940.14 | \$17,830.05 | \$47,110.09 |

SCHEDULE SUMMARY

| | | | | |
|---|---------------------------|---------------------|---------------------|---------------------|
| BID ITEMS | | \$384,401.41 | \$175,800.53 | \$208,600.88 |
| CONSTRUCTION CONTINGENCY | 5% of Bid Items* | \$19,220.00 | \$8,790.00 | \$10,430.00 |
| SUBTOTAL | | \$403,621.41 | \$184,590.53 | \$219,030.88 |
| ANTICIPATED ITEMS | | \$64,940.14 | \$17,830.05 | \$47,110.09 |
| TOTAL CONSTRUCTION | | \$468,561.55 | \$202,420.58 | \$266,140.97 |
| PROJECT MANAGEMENT | 5% of Bid Items | \$19,220.07 | \$8,790.03 | \$10,430.04 |
| DESIGN ENGINEERING | 25% of Bid Items | \$96,100.00 | \$43,950.00 | \$52,150.00 |
| CONSTRUCTION MANAGEMENT | 15% of Bid Items | \$57,660.00 | \$26,370.00 | \$31,290.00 |
| SUBTOTAL | | \$172,980.07 | \$79,110.03 | \$93,870.04 |
| PROJECT ENGINEERING & MANAGEMENT OVERHEAD | 65.02% of PM, Eng, and CM | \$112,480.00 | \$51,441.16 | \$61,038.84 |
| TOTAL PROJECT ENGINEERING & MANAGEMENT | | \$285,460.07 | \$130,551.19 | \$154,908.88 |
| TOTAL PROJECT RIGHT-OF-WAY | | \$85,872.00 | \$0.00 | \$85,872.00 |
| INFLATION RATE ON CONTRACT | | \$48,106.02 | \$20,781.95 | \$27,324.06 |
| INFLATION RATE ON PERSONNEL | | \$13,219.76 | \$6,045.83 | \$7,173.93 |
| ESTIMATE CONTINGENCY FOR UNDEFINED OR CHANGE IN SCOPE | | \$76,750.23 | \$33,866.89 | \$42,883.33 |

EXHIBIT E

| NO. | ITEMS OF WORK AND MATERIALS | CLASS OF WORK | UNIT | TOTAL QUANTITY | UNIT PRICE | TOTAL | ZONE A - HABITAT FOR HUMANITY | ZONE B - OTHER |
|----------------------------------|-----------------------------|---------------|------|----------------|------------|---------------------|-------------------------------|--------------------|
| TOTAL PROJECT CONTINGENCY | | | | | | \$138,076.00 | \$60,694.68 | \$77,381.32 |

TOTAL PROJECT ESTIMATE

| | | |
|---------------------|----------------------|---------------------|
| TOTAL | HABITAT FOR HUMANITY | OTHERS |
| \$977,969.63 | \$393,666.45 | \$584,303.18 |

**NE 57th Avenue and Killingsworth Street Local Improvement District
Apportionment Worksheet
Prepared by the Local Improvement District Administrator on 3/05/18**

EXHIBIT F

| STATE_ID | RNO | PROPERTYID | OWNER | SITEADDR | Total S.F. | % Total S.F. | Assessable S.F. | LID Formation Estimate | Percent LID | Rate/S.F. | Assessment Zone | RMV | Pending Lien No. | Delinquencies | Ratio | Notes | |
|---|-------|------------|---|--|--------------------------|----------------|-----------------|------------------------|---------------------|----------------|-----------------|-----|--------------------|---------------|------------|------------|---|
| Nonwaivered Properties for Which No Remonstrance Received | | | | | | | | | | | | | | | | | |
| 1N2E19AB | 100 | R942195710 | R318143 | HABITAT FOR HUMANITY PORTLAND/METRO EAST | 5640 NE KILLINGSWORTH ST | 33,705 | 30.12% | 33,705 | \$410,759.03 | 73.74% | \$12.19 | A | \$702,630 | 163401 | \$0 | 1.7 | |
| 1N2E19AA | 13200 | R676000010 | R250079 | WACHTMAN,ERIC J & WEBSTER,HOLLY A | 5708 NE KILLINGSWORTH ST | 9,402 | 8.40% | 9,402 | \$22,569.72 | 4.05% | \$2.40 | B | \$470,110 | 163397 | \$0 | 20.8 | |
| Government Properties for Which Support is Automatic | | | | | | | | | | | | | | | | | |
| None. | | | | | | | | | | | | | | | | | |
| Waivered Properties for Which Support is Automatic | | | | | | | | | | | | | | | | | |
| None. | | | | | | | | | | | | | | | | | |
| Nonwaivered Properties for Which Remonstrance Received | | | | | | | | | | | | | | | | | |
| 1N2E19AB | 1400 | R942195550 | R318130 | DIVINE, CONOR | 5305 NE 57TH AVE | 28,949 | 25.87% | 24,569 | \$58,978.47 | 10.59% | \$2.40 | B | \$766,760 | 163400 | \$0 | 13.0 | R |
| 1N2E19AA | 13100 | R676000030 | R250080 | MESFIN,ETEGE | 5406 NE 57TH AVE | 7,100 | 6.34% | 7,100 | \$17,043.72 | 3.06% | \$2.40 | B | \$347,910 | 163398 | \$0 | 20.4 | |
| 1N2E19AB | 1500 | R251600050 | R157349 | LUCKETT,NEKICIA D | 5285 NE 57TH AVE | 7,190 | 6.42% | 2,248 | \$3,854.55 | 0.69% | \$1.71 | C | \$282,750 | 163396 | \$0 | 73.4 | P |
| 1N2E19AA | 13000 | R676000270 | R250091 | WALKER,SAMUEL A-1/2 & WALKER,DALE S & WALKER,SANDY J-1/2 | 5711 NE EMERSON ST | 25,561 | 22.84% | 25,561 | \$43,828.41 | 7.87% | \$1.71 | C | \$634,510 | 163399 | \$0 | 14.5 | |
| TOTAL: | | | | | | 111,907 | 100.00% | 102,585 | \$557,033.90 | 100.00% | \$5.43 | | \$3,204,670 | | \$0 | 5.8 | |
| | 2 | 33.3% | Nonwaivered Properties for Which No Remonstrance Received | | | 43,107 | 38.52% | 43,107 | \$433,328.75 | 77.79% | \$10.05 | | \$1,172,740 | | \$0 | 2.7 | |
| | 0 | 0.0% | Government Properties for Which Support is Automatic | | | 0 | 0.00% | 0 | \$0.00 | 0.00% | n.m. | | \$0 | | \$0 | n.m. | |
| | 0 | 0.0% | Waivered Properties for Which Support is Automatic | | | 0 | 0.00% | 0 | \$0.00 | 0.00% | n.m. | | \$0 | | \$0 | n.m. | |
| | 2 | 33.3% | Total Support | | | 43,107 | 38.52% | 43,107 | \$433,328.75 | 77.79% | \$10.05 | | \$1,172,740 | | \$0 | 2.7 | |
| | 4 | 66.7% | Nonwaivered Properties for Which Remonstrance Received | | | 68,800 | 61.48% | 59,478 | \$123,705.15 | 22.21% | \$2.08 | | \$2,031,930 | | \$0 | 16.4 | |
| | 6 | 100.0% | Total | | | 111,907 | 100.00% | 102,585 | \$557,033.90 | 100.00% | \$5.43 | | \$3,204,670 | | \$0 | 5.8 | |
| Notes: | | | | | | | | | | | | | | | | | |
| P - Partial frontage exemption. Property will be assessed for 30' of frontage improvements, and will be exempted for the remaining 65' of frontage not improved. | | | | | | | | | | | | | | | | | |
| R - Maximum area of future right-of-way-dedication exempted from assessment, with exemption at final assessment based on actual dedication area. 30' width for 146' of frontage assumed for a total right-of-way acquisition area of 4,380 square feet. | | | | | | | | | | | | | | | | | |

PBOT

PORTLAND BUREAU OF TRANSPORTATION

1120 SW Fifth Avenue, Suite 800 Portland, OR 97204 503.823.5185

Fax 503.823.7576 TTY 503.823.6868 www.portlandoregon.gov/transportation

Dan Saltzman Commissioner Leah Treat Director

March 5, 2017

EXHIBIT G

SUMMARY OF REMONSTRANCES AND FINDINGS TO COUNCIL

Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements in the NE 57th Ave and Killingsworth St Local Improvement District (Hearing; Ordinance; C-10061)

I. SUMMARY

Four (4) written remonstrances representing owners of 4 nonexempt properties in the NE 57th & Killingsworth Local Improvement District (LID) were received by the filing deadline registering remonstrances against formation of the local improvement district. Total remonstrances represent 22.2% of the estimated assessment of the LID and 61.2% of the total area of properties included in the LID.

The difference in percentages reflect the zoned assessment methodology where properties would be assessed differing assessment rates ranging from \$1.71 per assessable square foot to \$12.19 per assessable square foot, with owners of properties at the highest assessment rates choosing not to remonstrate. The remonstrances received are attached as Attachments 1 through 4.

Additional correspondence was received with signatures of multiple property owners and is attached as Attachment 5. Most of the signatories to this attachment own nearby properties not proposed for assessment by this LID.

Council lacks jurisdiction to form the NE 57th & Killingsworth Local Improvement District as originally proposed, because the remonstrance level of 61.2% as measured by total area is above the 60% threshold in Section 9-403 of the City Charter. This is because the City Charter specifies area as being the measure of remonstrances, not the properties' percentage share of the LID cost. This gives disproportionate weighting to properties with lower rates per assessable square foot. Within this LID, a property in Assessment Zone 'C' has over seven times the weighting for counting remonstrance threshold as a property in Assessment Zone 'A'.



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

II. ISSUES RAISED BY THE SUBSTANTIALLY SIMILAR REMONSTRANCES.

Remonstrances were submitted by the owners of 5285, 5305 and 5406 NE 57th Avenue as well as by 5711 NE Emerson Street 163396, 163400, 163398 and 163399, respectively. These substantially similar remonstrances are attached as Attachments 1 through 4.

Issue #1:

This LID would create a financial burden.

Response:

- a. This LID has been structured to be cost-neutral for Habitat for Humanity (in Assessment Zone 'A') versus their frontages being built under a permit job. This results in City funding being directed entirely to Assessment Zones 'B' and 'C', some of whose owners remonstrated against the improvement.
- b. The total estimated cost of the LID is \$995,936.29. The proposed assessment amount for Assessment Zones 'A' and 'B' combined is \$185,593.83. Proposed City funding of \$438,902.39 results in a 58% reduction of assessments in Assessment Zones 'B' and 'C' from the \$624,496.22 cost which would otherwise apply in the absence of City funding.
- c. The significant City funding is made possible by Transportation System Development Charge (TSDC) funding eligibility. This funding is in turn made possible by Assessment Zone 'A' comprising 68.8% of the cost of the proposed LID, thereby significantly reducing the "local match" required by state law that would otherwise be passed through to properties in Assessment Zones 'B' and 'C'.
- d. The LID includes a budget of \$85,872.00 for property rights, including negotiation, appraisal and payment for the fair market value of the right-of-way to be acquired. This area of acquisition will be less than 30' in width and is aligned with the prevailing 60' right-of-way width both north and south of the proposed acquisition, which will be the subject of a future and subsequent ordinance for property rights. Though the owner of this property is under no obligation to do so, if this area were donated to the City without compensation, then eliminating right-of-way acquisition costs would result in property owners' assessments in Assessment Zones 'B' and 'C' being reduced by a further 46% from what is proposed, except for the minimal staff time and recording costs of processing such a donation.

- e. The cost drivers for this LID are right-of-way acquisition and the large frontage lengths of the properties in the LID. The significant City funding is intended to defray the costs of very wide frontages, and will result in an affordable LID for property owners, especially compared to the cost of required frontage improvements in the future.
- f. Owners of properties chose to remonstrate against formation of the LID, despite previously signing a petition in favor of this LID (see record of Resolution No. 37340 adopted by Council on January 24, 2018). It should be noted that the frontage width of as much as 213 feet is more than a downtown City of Portland block. The significant level of City financial investment results in an affordable LID assessment with an option to defer that eventual assessment to be imposed under a separate and subsequent Ordinance for a minimum of 5 years.

Issue #2:

Improving NE 57th Avenue would create a traffic burden, and the street should be closed to motor vehicles between NE Killingsworth Street and NE Emerson Street.

Response:

- a. The roadway width is already proposed to be reduced from a policy standard 32' width to as narrow as 22' in response to property owners' request. Adding curbs on both sides of the street will narrow the effective travel width of the roadway and will aid traffic calming in a right-of-way currently as wide as 60 feet.
- b. Few improved north-south street connections exist in the Cully Neighborhood, which at NE Killingsworth Street is bounded by NE 42nd Avenue on the west and NE 82nd Avenue on the east. In this particular area of Cully, closing NE 57th Avenue would result in no improved north-south connections between NE 52nd Avenue and NE 72nd Avenue, a distance of 20 blocks, except for NE Cully Blvd., which does not run due north and south. The distance between the closest due north-south streets with classifications of neighborhood collector or above, NE 42nd and 82nd Avenues, are approximately 2 miles apart. The solution to this problem is to have more north-south street connections to more evenly disperse the traffic, not to remove the few that already exist, whether paved or not.
- c. Closing NE 57th Avenue would essentially double the traffic on nearby NE 60th Avenue, and these nearby residents have not indicated support for the notion of closing NE 57th Avenue, nor has any process been undertaken to solicit their feedback on such a proposal.

- d. The City Traffic Engineer has not evaluated such a proposal nor has given approval to this proposal. It would be unusual for the Council to direct such a closure without formal traffic engineering review.
- e. Five (5) lots of 25,000 square feet of area or greater abut NE 52nd Avenue between NE Killingsworth Street and NE Alberta Street, one of which is pending development, the Habitat for Humanity site. Two (2) of these large parcels are proposed to benefit from abutting frontage improvements from this LID. To the extent that these parcels at 5305 NE 57th Avenue and at 5711 NE Emerson Street have significant infill development potential, it is extremely unlikely that a traffic analysis associated with future infill development of these properties would reasonably reach a finding that adequate traffic capacity would exist to serve these properties with a closed NE 57th Avenue. Therefore, any unlikely granting of the request to close NE 57th Avenue would be temporary, and these and other properties would bear the financial burden of future requirements of conditions of development or building permit activity, with no City subsidy offered.
- f. Closing NE 57th Avenue with a resulting 2,170 foot distance from the east right-of-way of NE 52nd Avenue to the west right-of-way line of NE 60th Avenue would be over four (4) times the maximum distance of through streets specified in Section 17.88.040 of City Code.
- g. Residents of NE 60th Avenue have not been provided an appropriate opportunity to comment on the proposal to close NE 57th Avenue and the inevitable result of diverting traffic from NE 57th Avenue to NE 60th Avenue.

III. RECOMMENDATION

It is the recommendation of the Local Improvement District Administrator that the Council amend the LID boundary to remove the property at 5285 NE 57th Avenue from the LID, as well as its abutting frontage improvements. This would result in a longer length of street, sidewalk and stormwater improvements on the east side of the street than on the west side of the street due to offset opposite property lines. Either an angled pavement section would be built just north of NE Emerson St., or a flush curb would be installed on the west side of NE 57th Avenue from the south property line of 5305 NE 57th Avenue to the south property line of 5711 NE Emerson Street at the discretion of the City Engineer.

The remaining three (3) remonstrances after removing 5285 NE 57th Avenue from the LID would result in an amended LID with 21.7% of the estimated assessment and 58.8% of the total area of the LID. This level would be below the threshold specified in Section 9-403 of the City Charter, be overruled.

It is further recommended that the remaining three (3) remonstrances (from owners of 5305 NE 57th Avenue, 5406 NE 57th Avenue and 5711 NE Emerson Street) be overruled and that the Council form the NE 57th Avenue & Killingsworth Street LID with an emergency clause attached to expedite construction of much-needed affordable housing in the Cully neighborhood.

The extreme shortage of affordable housing has resulted in 5% of Rigler Elementary School students leaving during the school year. It is therefore imperative that construction of the Habitat for Humanity project move forward, and formation of this LID will provide assurance of performance to Habitat for Humanity under Section 17.24.055 of City Code. It is recommended that an emergency clause be added to this Ordinance as amended to avoid further delays to Habitat for Humanity beginning construction of much-needed additional supply of housing in Cully.

Respectfully submitted,



Andrew H. Aebi
Local Improvement District Administrator

ATTACHMENT 1

MO1179 02/20/18 PM 1:54

To: Portland City Auditor
From: Etege Mesfin
Date: February 21, 2018
Subject: Notice of Remonstrance for NE 57th Avenue LID

Dear City Auditor,

This letter serves as my notice of remonstrance for the proposed NE 57th Avenue LID. I also withdraw my original support for the proposed project. My residence is 5406 NE 57th Avenue. I am one of the property owners along the unimproved portion of the road. In addition to the financial burden, I have also become aware of significant concerns from other residents in the Cully neighborhood for the project as currently proposed.

The residents along NE 57th Avenue have come together and are proposing an amended LID project. Attached, please find the letter describing our proposal along with a list of residences and signatures of those who object to the current proposal, and who are in support of an alternative design.

I look forward to continuing to work with the City of Portland on this important issue for the Cully neighborhood.

Sincerely,

Etege Mesfin



To: Portland City Auditor

From: Nekicia Luckett – 5285 NE 57th Street

Date: February 21, 2018

Subject: Notice of Remonstrance for NE 57th Avenue LID

Dear City Auditor,

This letter serves as my notice of remonstrance for the proposed NE 57th Avenue LID. I also withdraw my original support for the proposed project. My residence is 5285 NE 57th Avenue. I am one of the property owners along the unimproved portion of the road. In addition to the financial burden, I have also become aware of significant concerns from other residents in the Cully neighborhood for the project as currently proposed.

The residents along NE 57th Avenue have come together and are proposing an amended LID project. Attached, please find the letter describing our proposal along with a list of residences and signatures of those who object to the current proposal, and who are in support of an alternative design.

I look forward to continuing to work with the City of Portland on this important issue for the Cully neighborhood.

Sincerely,


Nekicia Luckett

To: Portland City Auditor

From: Conor Divine – 5305 NE 57th Street

Date: February 21, 2018

Subject: Notice of Remonstrance for NE 57th Avenue LID

Dear City Auditor,

This letter serves as my notice of remonstrance for the proposed NE 57th Avenue LID. I also withdraw my original support for the proposed project. My residence is 5305 NE 57th Avenue. I am one of the significant property owners along the unimproved portion of the road. In addition to the financial burden placed on my family, I have also become aware of significant concerns from other residents in the Cully neighborhood for the project as currently proposed.

The residents along NE 57th Avenue have come together and are proposing an amended LID project. Attached, please find the letter describing our proposal along with a list of residences and signatures of those who object to the current proposal, and who are in support of an alternative design.

I look forward to continuing to work with the City of Portland on this important issue for the Cully neighborhood.

Sincerely,

Conor Divine



ATTACHMENT 4

PHOTOGRAPHY 03/21/18 01:15

To: Portland City Auditor

From: Sam Walker, Danielle Walker, Sandy Walker, Dale Walker – 5711 NE Emerson Street

Date: February 21, 2018

Subject: Notice of Remonstrance for NE 57th Avenue LID

Dear City Auditor,

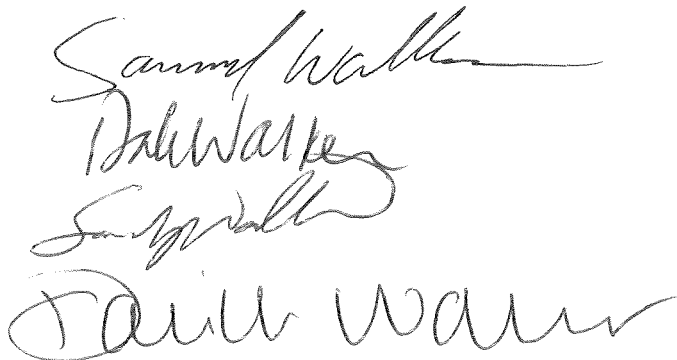
This letter serves as our notice of remonstrance for the proposed NE 57th Avenue LID. We also withdraw our original support for the proposed project. Our residence is 5711 NE Emerson Street. Our family is one of the significant property owners along the unimproved portion of the road. In addition to the financial burden placed on our family, we have also become aware of significant concerns from other residents in the Cully neighborhood for the project as currently proposed.

The residents along NE 57th Avenue have come together and are proposing an amended LID project. Attached, please find the letter describing our proposal along with a list of residences and signatures of those who object to the current proposal, and who are in support of an alternative design.

We look forward to continuing to work with the City of Portland on this important issue for the Cully neighborhood.

Sincerely,

Dale, Sandy, Sam and Danielle Walker



To: Andrew Aebi, Local Improvement District Administrator

From: Residents of NE 57th Street

Date: February 20, 2018

Subject: Proposed Amendments to 57th Street LID

Dear Andrew,

Since the January 24 City Council meeting, residents along NE 57th Street between Killingsworth and Prescott have met to discuss the proposed road improvement. Most residents were not aware of the proposed road improvement between Killingsworth and Emerson. While residents are supportive of improving the livability and overall safety of the neighborhood, there are significant traffic related safety concerns due to increasing traffic along a narrow street that has few sidewalks. The safety of children, pedestrians, and cyclists along all of 57th between Prescott and Killingsworth far outweigh the benefits of improving the small stretch of road as currently proposed.

Residents propose the following alternative development option for the City to consider. For many residents along 57th, it has long been our desire to close off the unimproved road to motor vehicle traffic, allowing access to only cyclists and pedestrians. We propose paving the northern portion of 57th allowing access for residents' driveways along that section, with the remaining southern portion of 57th closed to vehicle traffic, but improved with a bike and walking path. This improvement provides the most benefit to all parties; the City of Portland is able to reduce another portion of unimproved road, Cully benefits through increased connectivity, Habitat for Humanity's section is paved to provide their residents with access, and residents along 57th are not subject to motor vehicle increases and safety risks.

Given the City's interest in making improvements to this area, we request that the City develop an amended proposal to the initial road improvement project. This letter includes signatures of residents along 57th Street who are supportive of the following adjustments to the proposal to the road improvement project:

- Complete the two-way road improvement on the northern portion of 57th Street
- Close 57th Street to vehicle traffic on the southern portion of 57th Street
- Develop bike and pedestrian paths through the closed portion

Residents do not support Cully neighborhood development activities that primarily accommodate vehicle traffic and degrade the safety and livability of the neighborhood. Residents believe the vehicle-free walk/bike path option will bring the neighborhood together and support community building activities. We believe that this proposal meets all the goals of the original proposal; most importantly addressing increased safety for children, pedestrians, and cyclists. It also benefits homeowners by minimizing the property impact and the overall footprint of the improved road. It may also reduce the overall cost of the project, reducing burden on the city and property owners. We hope that the City LID funds made available for the motor vehicle road improvements are also available for this amended option.

Given all the benefits and support of residents, we are optimistic that you will consider this proposal. Attached are the names and contact information of all who have signed in support of this letter. Please contact them with any questions. We look forward to continued dialogue on this important issue for the Cully neighborhood.

| Name | Address | Phone Number | Email | Signature |
|--------------------------|-------------------------------|---------------|------------------------------|-------------------|
| Todd Trnka | 5283 NE 57 th | 503-519-0796 | Trnka_todd6concast.net | Todd Trnka |
| Brittney Corigan-McElroy | 5252 NE 57 th Ave. | 503-970-4300 | brittneycm@gmail.com | |
| EVERT GREIS | 5253 NE 57 th AVE | 503-929-4625 | EVERT.GREIS@NE.COM | |
| Jesse Thomas | 5135 NE 57 th AVE | 937-416-5930 | Jesse James, Thomas Email | |
| Whitney Steiner | 5135 NE 57 th | 330-2421492 | whitney.steiner@gmail.com | Whitney Steiner |
| Judy Booker | 5216 NE 57 th | 503-722-348 | Judy mbooker@msncor. | |
| Teresita Simon | 5123 NE 57 th Ave | 503-936-1143 | Kutz1525@live.com | |
| Betty Booker | 5210 NE 57 th Ave | 503-587-9501 | | Betty Booker |
| Christine Vilhauer | 5100 NE 57 th Ave | 503-939-0987 | cvilhauer05@gmail.com | |
| David Vilhauer | 5100 NE 57 th Ave | 503-702-2391 | | |
| DAVE KROUGH | 4933 NE 57 th | 503-535-9029 | dkrough@gmail.com | |
| Kaitlin Seymore | 4911 NE 57 th | 971-275-3226 | kaitlin.seymore@gmail.com | Kaitlin Seymore |
| GRAYSON FISKE | 4914 NE 57 th | (541)510-3586 | graysonfiskemusica@gmail.com | |
| George Castles | 4825 NE 57 th | 503-282-3313 | | George E. Castles |
| Kari Fass | 5709 NEWYgam + | 509-432-9399 | ikari.fass@gmail.com | Kari Fass |
| Conor Divine | 5305 NE 57 th | | | |
| Sam Walker | 5711 NE Emerson St. | 971-242-9238 | | Sam Walker |
| Dale Walker | 5711 NE Emerson St | 503-475-9504 | d-rock1948@yahoo.com | Dale Walker |

**NE 57th Avenue and Killingsworth Street Local Improvement District
Apportionment Worksheet
Prepared by the Local Improvement District Administrator on 3/05/18**

EXHIBIT H

| STATE_ID | RNO | PROPERTYID | OWNER | SITEADDR | Total S.F. | % Total S.F. | Assessable S.F. | LID Formation Estimate | Percent LID | Rate/S.F. | Assessment Zone | RMV | Pending Lien No. | Delinquencies | Ratio | Notes | | | | | | | | |
|---|-------|------------|---|---|--------------------------|----------------|-----------------|------------------------|---------------------|----------------|-----------------|-----|--------------------|---------------|------------|----------------|----------------|----------------|---------------------|----------------|----------------|--------------------|------------|------------|
| Nonwaivered Properties for Which No Remonstrance Received | | | | | | | | | | | | | | | | | | | | | | | | |
| 1N2E19AB | 100 | R942195710 | R318143 | HABITAT FOR HUMANITY PORTLAND/METRO EAST | 5640 NE KILLINGSWORTH ST | 33,705 | 32.19% | 33,705 | \$410,759.03 | 74.25% | \$12.19 | A | \$702,630 | 163401 | \$0 | 1.7 | | | | | | | | |
| 1N2E19AA | 13200 | R676000010 | R250079 | WACHTMAN,ERIC J & WEBSTER,HOLLY A | 5708 NE KILLINGSWORTH ST | 9,402 | 8.98% | 9,402 | \$22,569.72 | 4.08% | \$2.40 | B | \$470,110 | 163397 | \$0 | 20.8 | | | | | | | | |
| Government Properties for Which Support is Automatic | | | | | | | | | | | | | | | | | | | | | | | | |
| None. | | | | | | | | | | | | | | | | | | | | | | | | |
| Waivered Properties for Which Support is Automatic | | | | | | | | | | | | | | | | | | | | | | | | |
| None. | | | | | | | | | | | | | | | | | | | | | | | | |
| Nonwaivered Properties for Which Remonstrance Received | | | | | | | | | | | | | | | | | | | | | | | | |
| 1N2E19AB | 1400 | R942195550 | R318130 | DIVINE, CONOR | 5305 NE 57TH AVE | 28,949 | 27.64% | 24,569 | \$58,978.47 | 10.66% | \$2.40 | B | \$766,760 | 163400 | \$0 | 13.0 | R | | | | | | | |
| 1N2E19AA | 13100 | R676000030 | R250080 | MESFIN, ETEGE | 5406 NE 57TH AVE | 7,100 | 6.78% | 7,100 | \$17,043.72 | 3.08% | \$2.40 | B | \$347,910 | 163398 | \$0 | 20.4 | | | | | | | | |
| 1N2E19AA | 13000 | R676000270 | R250091 | WALKER, SAMUEL A-1/2 & WALKER, DALE S & WALKER, SANDY J-1/2 | 5711 NE EMERSON ST | 25,561 | 24.41% | 25,561 | \$43,828.41 | 7.92% | \$1.71 | C | \$634,510 | 163399 | \$0 | 14.5 | | | | | | | | |
| TOTAL: | | | | | | 104,717 | 100.00% | 100,337 | \$553,179.35 | 100.00% | \$5.51 | | \$2,921,920 | | \$0 | 5.3 | | | | | | | | |
| | 2 | 40.0% | Nonwaivered Properties for Which No Remonstrance Received | | | | | | | | | | | | | 43,107 | 41.17% | 43,107 | \$433,328.75 | 78.33% | \$10.05 | \$1,172,740 | \$0 | 2.7 |
| | 0 | 0.0% | Government Properties for Which Support is Automatic | | | | | | | | | | | | | 0 | 0.00% | 0 | \$0.00 | 0.00% | n.m. | \$0 | \$0 | n.m. |
| | 0 | 0.0% | Waivered Properties for Which Support is Automatic | | | | | | | | | | | | | 0 | 0.00% | 0 | \$0.00 | 0.00% | n.m. | \$0 | \$0 | n.m. |
| | 2 | 40.0% | Total Support | | | | | | | | | | | | | 43,107 | 41.17% | 43,107 | \$433,328.75 | 78.33% | \$10.05 | \$1,172,740 | \$0 | 2.7 |
| | 3 | 60.0% | Nonwaivered Properties for Which Remonstrance Received | | | | | | | | | | | | | 61,610 | 58.83% | 57,230 | \$119,850.60 | 21.67% | \$2.09 | \$1,749,180 | \$0 | 14.6 |
| | 5 | 100.0% | Total | | | | | | | | | | | | | 104,717 | 100.00% | 100,337 | \$553,179.35 | 100.00% | \$5.51 | \$2,921,920 | \$0 | 5.3 |
| Notes: | | | | | | | | | | | | | | | | | | | | | | | | |
| P - Partial frontage exemption. Property will be assessed for 30' of frontage improvements, and will be exempted for the remaining 65' of frontage not improved. | | | | | | | | | | | | | | | | | | | | | | | | |
| R - Maximum area of future right-of-way-dedication exempted from assessment, with exemption at final assessment based on actual dedication area. 30' width for 146' of frontage assumed for a total right-of-way acquisition area of 4,380 square feet. | | | | | | | | | | | | | | | | | | | | | | | | |

ORDINANCE No.

FAILED TO PASS

Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements in the NE 57th Ave and Killingsworth St Local Improvement District (Hearing; Ordinance; C-10061)

The City of Portland ordains:

Section 1. The Council finds:

1. The Council approved Ordinance No. 185611 on September 12, 2012. While the classification of NE 57th Avenue between NE Killingsworth Street and Emerson Street is a Local Service Street, this project will improve overall street connectivity in the Cully Neighborhood in support of a desired future as a Neighborhood Center. This will result from improving the street grid by paving streets and unimproved rights-of-way is needed in order for Cully to accommodate more housing and business growth as envisioned in the Comprehensive Plan. The Transportation System Development Charge (TSDC) funding eligibility for NE 57th Avenue reflects its importance to the City beyond a typical local street.
2. The Council adopted Resolution No. 37340 on January 24, 2018, declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district as the NE 57th Avenue & Killingsworth Street Local Improvement District (LID). In the event any finding or any directive within this Ordinance conflicts with Resolution No. 37340 involving this LID, the finding or directive within this Ordinance shall prevail.
3. The record related to the adoption of Resolution No. 37340 is incorporated into the record of this Ordinance except that no part of the record of Resolution No. 37340 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.
4. The City Auditor mailed notice of the February 28, 2018 LID formation hearing on February 7, 2018 to the owners of the benefited properties within the proposed NE 57th Avenue & Killingsworth 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 NE 57th Avenue & Killingsworth Street LID, the deadline and procedure for filing a remonstrance against the formation of the NE 57th Avenue & Killingsworth Street LID, and the amount of the estimated future assessment on benefited properties as set forth in Exhibit A. The deadline to submit a written remonstrance was at 5:00 PM on February 21, 2018.
5. Notices of the LID formation hearing were posted within the NE 57th Avenue & Killingsworth Street LID on February 13, 2018.

6. The LID Administrator published notice of the February 28, 2018 LID Formation Hearing in the Daily Journal of Commerce on February 12, 2018 and on February 14, 2018.
7. The general character and scope of the NE 57th Avenue improvement 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; construct curbs and sidewalks on both sides of the street; plant street trees on both sides of the street; and extend sanitary sewer to the north. The general character and scope of the NE Killingsworth Street improvement is to reconstruct curbs and sidewalk and plant street trees on the south side of the street as shown in Exhibit B.
8. Widths, alignments and lengths of the project may be modified during the preparation of plans and specifications by the City Engineer.
9. The NE Killingsworth Street improvements will be constructed from 567 feet east of the east right-of-way line of NE 52nd Avenue to east right-of-way line of NE 57th Avenue, and the NE 57th Avenue improvements will be constructed from the south right-of-way line of NE Killingsworth Street to the north right-of-way line of NE Emerson Street (except that west sidewalk will be built only to the north property line of 5285 NE 57th Avenue), plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer as shown in the map in Exhibit C.
10. The boundaries of the NE 57th Avenue & Killingsworth 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 \$995,936.29 as shown in Exhibit D, not including the cost of utility relocation that may be required at utilities' expense. 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 NE 57th Avenue & Killingsworth Street LID is \$553,179.35. Additional funding is being provided by the Portland Bureau of Transportation (PBOT) in the amount of \$330,276.94 for Transportation System Development Charge (TSDC) revenue, and \$112,480.00 for overhead costs for total PBOT funding of \$442,756.94.
12. The LID Administrator has analyzed the financial feasibility of the NE 57th Avenue & Killingsworth Street 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.

13. The original remonstrance level is evaluated in Exhibit F and the revised remonstrance level reflecting the removal of 5285 NE 57th Avenue from the LID is evaluated in Exhibit H. Council retains jurisdiction over the formation of the NE 57th Avenue & Killingsworth 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 NE 57th Avenue & Killingsworth Street LID will receive special benefit from the project in the amounts set forth in Exhibits A and H.
15. The Council has considered the remonstrances made by the owner of properties to be benefited by the NE 57th Avenue & Killingsworth 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 frontage improvements to the south side of NE Killingsworth Street west of NE 57th Avenue and for both sides of NE 57th Avenue between NE Killingsworth Street and the south property line of 5711 NE Emerson Street.
17. Passage of this Ordinance does not provide assurance of performance for street frontage improvements to NE Killingsworth Street east of NE 57th Avenue, NE Emerson Street east of NE 57th Avenue, and for NE 57th Avenue south of the north right-of-way line of NE Emerson Street.
18. Assessments for LIDs are not subject to the properties tax limitation established by Article XI, Section 11b of the Oregon Constitution.
19. Pursuant to City Code, assessment for the NE 57th Avenue & Killingsworth Street LID will be imposed by a separate and subsequent ordinance.
20. Given the urgent need for additional housing in the City of Portland, the City Engineer is authorized to construct this project in two (2) construction phases with the requirement for a hearing under Section 17.08.080 of City Code waived to expedite construction of the pending Habitat for Humanity project of fifteen (15) housing units. Subject to the sole discretion of the City Engineer, Habitat for Humanity shall:
 - a. Complete all items of construction under a permit except for top lift paving and any other items of construction deemed appropriate to defer to a second construction phase by the City Engineer; and
 - b. Provide construction plans for the entirety of the LID project to the satisfaction of the City Engineer, which will avoid the need to coordinate and integrate two separate designs for the LID.

NOW, THEREFORE, the Council directs:

- a. The NE 57th Avenue & Killingsworth Street LID is hereby created as shown in Exhibit C and the NE 57th Avenue & Killingsworth Street LID includes the properties to be benefited in the amounts identified in Exhibits A and H.
- b. Assurance of performance for properties identified in Exhibit A is provided upon Council passage of this Ordinance per Section 17.24.055 of City Code subject to the limitations of Finding No. 17 of this Ordinance.
- c. The properties owner's 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. Properties shall be assessed on a square footage basis in three assessment zones reflecting different prevailing zoning:
 - i. Assessment Zone 'A' consisting of 5640 NE Killingsworth Street shall bear 73.740401% of LID costs if the City Engineer does not invoke Finding No. 19 of this Ordinance, or 0% of LID costs if the City Engineer does invoke Finding No. 19 of this Ordinance; and
 - ii. Assessment Zone 'B' consisting of 5708 NE Killingsworth Street, 5305 NE 57th Avenue and 5406 NE 57th Avenue shall bear 17.699445% of LID costs if the City Engineer does not invoke Finding No. 19 of this Ordinance, or 67.401810% of LID costs if the City Engineer does invoke Finding No. 19 of this Ordinance; and
 - iii. Assessment Zone 'C' consisting of 5711 NE Emerson Street and 5285 NE 57th Avenue shall bear 8.560154% of LID costs if the City Engineer does not invoke Finding No. 19 of this Ordinance, or 32.598190% of LID costs if the City Engineer does invoke Finding No. 19 of this Ordinance.
- e. The City Engineer shall prepare plans and specifications for the improvement.
- f. 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 57th Avenue & Killingsworth Street LID project. The manner in which the improvements are constructed, including directive 'f' of this Ordinance, is at the sole discretion of the City Engineer.
- g. The City Auditor shall obtain interim financing to pay for NE 57th Avenue & Killingsworth Street LID project costs prior to bonding.

- h. 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.
- i. If the Chief Engineer of the Bureau of Environmental Services determines that a sanitary sewer extension is not necessary, it may be deleted from the scope of the LID with the requirement for a hearing under section 17.08.080 of City Code waived by this Ordinance.
- j. The LID Administrator is authorized to negotiate Extra Work Agreements to finance, design and construct frontage improvements for properties within the LID boundary beyond the project limit identified in Finding No. 8 of this Ordinance without a hearing per Section 17.08.080 of City Code provided that:
 - i. The City Engineer has determined the additional work to be technically feasible; and
 - ii. An Extra Work Agreement for properties or properties abutting the additional improvement been approved as to form by the City Attorney.
- k. Speed bumps may be installed within the LID boundary at the sole discretion of the City Engineer in which case a hearing will not be required under Section 17.08.080 of City Code.
- l. The City Traffic Engineer is directed to lower the speed limit of NE 57th Avenue between NE Killingsworth and NE Emerson Street from 25 miles per hour to 20 miles per hour, and to employ additional traffic mitigation measures as may be appropriate if there is substantial noncompliance with the newly-posted speed limit.
- m. The LID Administrator to prepare a separate and subsequent Ordinance for Council consideration to offer a deferral of payment of the LID obligation for a period of not less than 5 years or the sale of the property for which a deferral has been made, whichever is less. However, the LID Administrator will be under no obligation to prepare such an Ordinance if the City Attorney deems it necessary to file for eminent domain or if any property owner files for a writ of judicial review of this LID.
- n. PBOT is hereby directed to explore opportunities for improving north-south streets in Cully to better disperse neighborhood traffic, including but not limited to nearby NE 60th Avenue.
- o. Any property owner wishing to install a new water service may elect to have this expense borne by the LID and assessed solely to that property owner, thereby enabling the expense to be financed up to 20 years.

- p. A new sidewalk abutting 5305 NE 57th Avenue may be omitted at the sole discretion of the City Engineer in which case a hearing will not be required under Section 17.08.080 of City Code. If the sidewalk is removed from the LID plans, there will be no change to the assessment formula of the LID to effect a reduction in LID assessment solely for 5305 NE 57th Avenue, and the obligation of the current or future property owner to construct the new sidewalk is postponed but not eliminated, and shall be constructed in the future solely at property owner expense. PBOT shall acquire the necessary right-of-way to allow for construction of the sidewalk, whether as part of this LID or after final assessment of this LID.

Passed by the Council,

Commissioner Dan Saltzman
Prepared by: Andrew Aebi:SP
Date Prepared: March 9, 2018

Mary Hull Caballero
Auditor of the City of Portland
By

Deputy

Agenda No.
ORDINANCE NO.
 Title

Create a local improvement district to construct street, sidewalk, stormwater and sanitary sewer improvements in the NE 57th Ave and Killingsworth St Local Improvement District (Hearing; Ordinance; C-10061)

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|--|---|
| <p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: Commissioner Dan Saltzman</p> | CLERK USE: DATE FILED <u>FEB 20 2018</u> |
| <p style="text-align: center;">MAYOR APPROVAL</p> Mayor—Finance and Administration - Wheeler Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman <i>Dan Saltzman</i> Position 4/Safety - Eudaly | <p style="text-align: center;">Mary Hull Caballero Auditor of the City of Portland</p> <p style="text-align: center;">By: <u><i>Mary Hull Caballero</i></u> Deputy</p> |
| <p style="text-align: center;">BUREAU APPROVAL</p> Bureau: Transportation <i>AMP</i> Policy, Planning & Projects Group Manager: Art Pearce Director: Leah Treat Prepared by: Andrew Aebi <i>AHA</i> Date Prepared: June 6, 2017 Supervisor: Millicent Williams <i>Millicent Williams</i> | <p>ACTION TAKEN:</p> <p>FEB 28 2018 <i>Rescheduled</i> MAR 07 2018 9:30 A.M.</p> <p>MAR 7, 2018 PASSED TO SECOND READING AS AMENDED</p> <p style="text-align: right;">MAR 14, 2018 9:30AM</p> <p>MAR 14 2018 <i>Rescheduled to</i> MAR 21 2018 10:30 AM <i>Time Certain</i></p> <p>MAR 21 2018 <i>Failed to Pass</i></p> |
| 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 February 28 2017 | |

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| 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: 5 min. (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. Eudaly | 4. Eudaly | ✓ |
| Wheeler | Wheeler | ✓ |