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190697

Ordinance

Assess benefited properties for street, sidewalk, stormwater and sanitary sewer improvements in the SE 80th Ave and Mill St Local Improvement District (Hearing; C-10060)

Passed

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the SE 80th Avenue & Mill Street Local Improvement District (LID) by the adoption of Resolution No. 37337 on December 13, 2017 declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district.
2. The Council approved formation of the SE 80th Avenue & Mill Street LID with the passage of Ordinance No. 188786 on January 24, 2018.
3. The Council authorized acquisition of property rights with the passage of Ordinance No. 188785 on January 24, 2018.
4. The Council waived application of a Title 33 Buffer Overlay Zone requirement applicable to 2025 SE 82nd Avenue in conjunction with construction of this LID per approval of Ordinance No. 189535 on June 5, 2019.
5. The record related to Council approval of Resolution No. 37337 and Council approval of Ordinance No. 188786 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 37337 nor of Ordinance No. 188786 shall be considered an objection to final assessment for purposes of Section 17.08.130 of City Code, nor for purposes of Section 9-405 of the City Charter.
6. The Council authorized award of the construction contract to Moore Excavation Inc. on September 4, 2019. Contract No. 30006972 was executed on September 10, 2019.

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Prepared by

Andrew Aebi

Date Prepared

January 13, 2022

Requested Agenda Type

Regular

Date and Time Information

Requested Council Date

February 9, 2022

7. The street improvements to SE 80th Avenue & Mill Street were substantially complete as of June 5, 2020 as indicated in Exhibit A. The project scope included:
 - a. 575 centerline feet of street improvements on SE Mill Street from the east right-of-way line of SE 80th Avenue to the west right-of-way line of SE 82nd Avenue; and
 - b. 1,165 centerline feet of street improvements on SE 80th Avenue from the south right-of-way line of SE Market Street to 100 feet north of the north right-of-way line of SE Grant Street for a total of 1,740 centerline feet of street and stormwater improvements; and
 - c. Sanitary sewer improvements to SE Mill Street between SE 80th Avenue and SE 82nd Avenue.
8. Completion of this local improvement district does not fulfill potential future frontage improvement requirements for owners of abutting properties to widen sidewalk on SE 82nd Avenue, SE Market Street, SE Harrison Street, SE Lincoln Street or on SE Grant Street, nor to reconstruct SE Stephens Street to add curbs, drainage and sidewalks.
9. The total cost of the project is \$3,811,886 as shown in Exhibit B based on amounts in Exhibit C not including the Portland Water Bureau's costs to replace a galvanized water main with a ductile iron water main in SE 80th Avenue between SE Stephens Street and SE Mill Street. The property owners' share for this project is \$1,385,378. Additional funding was provided by the Portland Bureau of Transportation in the amount of \$882,520 in Transportation System Development Charge (TSDC) funding reflecting TSDC Project No. 70052 – NE / SE Seventies Bikeway Project and \$414,424 for overhead costs. Additional funding was provided by the Bureau of Environmental Services in the amounts of \$817,769 in direct funding and \$311,795 for in-kind costs.
10. The Revenue Bureau mailed notice of the February 2, 2022 final assessment hearing to the owners of benefited properties within the local improvement district on January 12, 2022. The benefited properties are legally described based on Multnomah County property tax records as of the filing date of this Ordinance. The property owners were notified of the time and location of the final assessment hearing conducted by the Council; the total project costs, the deadline and procedure for filing objections to the final assessment of the local improvement district; and the amount of the proposed final assessment on benefited properties as set forth in Exhibit D. The deadline to file objections to final assessment was at 5:00 PM on January 26, 2022.
11. The properties are specially benefited in the amounts shown in the assessment roll in Exhibit D and the apportionment worksheet in

Exhibit E.

12. The Local Improvement District Administrator submitted for publication two notices of the local improvement district final assessment hearing in the Daily Journal of Commerce on January 17, 2022 and on January 19, 2022.
13. The Council has considered any and all objections made by owners of benefited properties. The Council accepts the summary of objections and findings as set forth in Exhibit F and adopts these findings as its own.
14. This Ordinance provides for assessment of benefited properties for local improvements. Assessments for local improvements are not subject to the property tax limitation established by Article XI, Section 11b of the Oregon Constitution.
15. In the event of any finding or any directive within this Ordinance conflicting with any prior Council action involving this local improvement district, the finding or directive within this Ordinance shall prevail.
16. The Local Improvement District Administrator's level of confidence in the cost estimate for this project is "High" per Exhibit A of Resolution No. 36430 adopted by City Council on July 26, 2006 because the project is complete.
17. Portland Fire & Rescue approved a change in emergency access to Bridger Elementary School on October 22, 2021. A previous fire lane at the SE 80th & Mill intersection was closed as part of construction of this project with current fire access to Bridger Elementary School from SE Market Street along the west wall of the building.

NOW, THEREFORE, the Council directs:

- A. That any and all objections received are overruled and the assessment roll contained in Exhibit D and the apportionment worksheet contained in Exhibit E of this Ordinance are hereby approved and adopted.
- B. The Revenue Bureau to enter the assessments as shown in Exhibit D in the Docket of City Liens.
- C. The Revenue Bureau to mail final assessment notices to owner of benefited properties as set forth in Exhibit D based on the amounts identified in Exhibit E.
- D. The Portland Bureau of Transportation to complete remaining pending obligations associated with the acquisition of property rights from the owner of 2025 SE 82nd Avenue.

E. The Local Improvement District Administrator to calculate increased property tax increment of properties assessed by this LID for a 20-year period following Council passage of this Ordinance pursuant to Resolution No. 37205 approved by Council on April 20, 2016.

Documents and Exhibits

 [Exhibit A](#) (889.77 Kb)

 [Exhibit B](#) (769.82 Kb)

 [Exhibit C](#) (727.08 Kb)

 [Exhibit D](#) (660.88 Kb)

 [Exhibit E](#) (220.43 Kb)

 [Exhibit F](#) (997.31 Kb)

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
February 9, 2022

Auditor of the City of Portland
Mary Hull Caballero

Impact Statement

 [Impact Statement](#) (33.25 Kb)

Budget Office Financial Impact Analysis

This legislation proposes finalizing the assessment of benefited properties for street, sidewalk, stormwater and sanitary sewer improvements in the SE 80th Ave and Mill St Local Improvement District (LDI). The total cost of this project is \$3,811,886. These costs are being paid by revenues from the Portland Bureau of Transportation's System Development Charge (SDC) and General Transportation Revenue (GTR), and with Bureau of Environmental Services and Local Improvement District (LID) funding.

Agenda Items

65 Time Certain in [February 1-2, 2022 Council Agenda](#)

Passed to second reading

Passed to second reading February 9, 2022 at 9:30 a.m.

85 Regular Agenda in [February 9, 2022 Council Agenda](#)

Passed

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea