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# 190734

Ordinance

## Assess benefited properties for street, sidewalk, stormwater, sanitary sewer and water main improvements in the NE 47th Ave Phase I Local Improvement District (Hearing; C-10052)

Passed

Amended by Council

The City of Portland ordains:

Section 1. The Council finds:

1. The Council stated its intent to construct improvements in the NE 47th Avenue Phase I Local Improvement District (LID) by the adoption of Resolution No. 37194 on March 2, 2016 declaring its intent to initiate local improvement district formation proceedings and establishing the name of the local improvement district.
2. The Council approved formation of the NE 47th Avenue Phase I LID with the passage of Ordinance No. 187665 on April 6, 2016.
3. The record related to Council approval of Resolution No. 37194 and Council approval of Ordinance No. 187665 is incorporated into the record of this Ordinance, except that no part of the record of Resolution No. 37194 nor of Ordinance No. 187665 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.
4. The Council authorized acquisition of property rights with the passage of Ordinance No. 188316 on April 12, 2017.
5. The Council authorized award of the construction contract to Moore Excavation Inc., accepting Bid No. [00001254](#) on July 31, 2019. Contract No. 30006965 was executed on August 5, 2019.
6. The street improvements to NE 47th Avenue Phase I were substantially complete as of May 21, 2021 as indicated in Exhibit A.

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Prepared by

Andrew Aebi

Date Prepared

February 9, 2022

Requested Agenda Type

Regular

Date and Time Information

**Requested Council Date**

March 9, 2022

**Requested Start Time**

9:45 am

7. The project scope included 2,095 centerline feet of street improvements from north of NE Columbia Blvd. to south of NE Cornfoot Rd., included extension of stormwater sewer and sanitary sewer, and replacement of a cast iron water main over 100 years old with a new ductile iron water main.
8. Completion of this local improvement district does not fulfill future frontage improvement requirements for NE 46th Avenue, NE Bryant Street, Buffalo Street, nor NE Crystal Lane.
9. NE 46th Avenue and NE Bryant Street will be improved by a separate project per Council approval of formation of the NE 46th Avenue & Bryant Street Local Improvement District per passage of Ordinance No. 189347 on January 16, 2019. The NE 47th Avenue Phase I LID built most of the new NE 47th Avenue & Bryant Street intersection.
10. The total cost of the project is \$9,222,455 as shown in Exhibit B based on amounts in Exhibit C. NE 27th & Holland construction costs are included in Exhibit C of this Ordinance as identified in Exhibit C of Ordinance No. 190389 approved by Council on May 5, 2021 as part of a combined construction contract. Exhibit C of this Ordinance also includes additional offsite tree planting and establishment costs which were not charged to the NE 47th Avenue Phase I LID. The property owner's share for this project is \$1,611,611.
11. Additional funding was provided by the Portland Bureau of Transportation in the amount of \$4,114,416 in Transportation System Development Charge (TSDC) revenue, \$48,885 in General Transportation Revenue dedicated to pavement preservation funds, and \$41,297 in other General Transportation Revenue for a total of \$4,204,599.
12. Additional funding was provided by the Bureau of Environmental Services (BES) in the amounts of \$558,431 for direct funding of stormwater costs and \$972,687 for in-kind funding of stormwater costs for a total of \$1,531,118 not including LID revenue for property owned by BES which will be assessed by this LID.
13. Additional funding was provided by the Portland Water Bureau (PWB) in the amount of \$1,720,360 for in-kind funding of water main replacement costs.
14. Payment from Pacific Power in the amount of \$154,767 is pending in lieu of increasing property owner assessments to recover utility delay costs.
15. The Revenue Bureau mailed notice of the March 2, 2022 final assessment hearing to the owners of benefited properties within the local improvement district on February 9, 2022. The benefited properties are legally described based on Multnomah County

property tax records as of the filing date of this Ordinance. The property owner was 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 February 23, 2022.

16. The properties are specially benefited in the amounts shown in the assessment roll in Exhibit D and the apportionment worksheet in Exhibit E.
17. 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 February 14, 2022 and on February 16, 2022.
18. The Council has considered any and all objections made by owners of the benefited property. The Council accepts the summary of objections and findings as set forth in Exhibit F and adopts these findings as its own.
19. 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.
20. 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.
21. 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.
22. Interim improvements were constructed at the intersections of NE 47th Avenue & Buffalo Street and NE 47th Avenue & Crystal Lane. However, neither the Portland Bureau of Transportation nor the Bureau of Environmental Services has accepted maintenance responsibility for NE Buffalo Street or NE Crystal Lane. Separate and subsequent local improvement district(s) must be formed to improve these streets or they must be subsequently improved through the public works permit process to eliminate the application of Code Chapter 17.42 ("Property Owner Responsibility for Streets").

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 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](#) (765.6 Kb)
-  [Exhibit B](#) (237.55 Kb)
-  [Exhibit C](#) (814 Kb)
-  [Exhibit D](#) (1.07 Mb)
-  [Exhibit E - As Amended](#) (805.6 Kb)
-  [Exhibit F - As Amended](#) (1.72 Mb)

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 as amended by Council  
March 9, 2022

Auditor of the City of Portland  
Mary Hull Caballero

## Impact Statement

-  [Impact Statement](#) (32.74 Kb)

## Budget Office Financial Impact Analysis

This legislation imposes final assessment and closes out the NE 47th Avenue Phase I LID. Portland Water Bureau (Water), Bureau of Environmental Services (BES), and Portland Bureau of Transportation (PBOT), have contributed funding to this project. Properties owned by Portland Parks and Recreation Bureau (Parks) and BES will be assessed as part of the LID. The total project cost is \$9,222,455. This total project cost is funded with the following resources:

- \$1,611,611 property owner's share
- \$4,204,599 by PBOT (from TSDC and GTR resources)
- \$1,531,118 by BES (from in-kind funding)
- \$1,720,360 by PWB (from in-kind funding)
- \$154,767 by Pacific Power (from payment in lieu)

The LID is being closed out in advance of issuing a certificate of completion to the contractor to avoid delays to final assessment. Funds are being held for remaining costs of contractor payments (less than \$10,000) and project closeout costs (\$5,000).

## Agenda Items

### 147 Time Certain in [March 2, 2022 Council Agenda](#)

Passed to second reading as amended

Motion to accept substitute Exhibit E and Exhibit F: Moved by Hardesty and seconded by Ryan. (Y-5)

Passed to second reading March 9, 2022 at 9:30 a.m. as amended.

### 179 Regular Agenda in [March 9, 2022 Council Agenda](#)

Passed As Amended

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Commissioner Mingus Mapps Yea

Mayor Ted Wheeler Yea