



[Home](#) / [Council Documents](#)

37589

Resolution

Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk, and stormwater improvements in the SE 89th Ave and Taylor St Local Improvement District (C-10072)

Adopted

WHEREAS, the SE 89th Avenue & Taylor Street Local Improvement District is proposed to build full street, sidewalk, and stormwater improvements to eliminate current infrastructure gaps between the northeast and southwest corners of Berrydale Park;

WHEREAS, the SE 89th Avenue & Taylor Street Local Improvement District will specially benefit properties owned by the City and managed by Portland Parks & Recreation ("PP&R"), will specially benefit adjacent private properties, and will specially benefit private properties across the street from Berrydale Park; and

WHEREAS, under Code Section 17.08.050 C, City-owned properties are counted in favor of local improvement districts; and

WHEREAS, the Local Improvement District Administrator received from PP&R the memorandum of support attached in Exhibit A and as apportioned within the apportionment worksheet contained in Exhibit B; and

WHEREAS, the Bureau of Transportation is the Responsible Bureau for the proposed improvement and recommends initiation of local improvement district formation proceedings; and

WHEREAS, the proposed project is in the Montavilla Neighborhood, which was notified of this proposed project on September 21, 2022.

NOW, THEREFORE, BE IT RESOLVED that the Council declares its intent to initiate local improvement district formation proceedings to construct street, sidewalk, and stormwater improvements to improve SE 89th Avenue, SE Taylor Street and SE 92nd Avenue adjacent to Berrydale Park; and

Introduced by

[Commissioner Jo Ann Hardesty](#)

Bureau

[Transportation](#)

Contact

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Local Improvement District Administrator & Project Manager

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Requested Agenda Type

Time Certain

Date and Time Information

| |
|-------------------------------|
| Requested Council Date |
| October 12, 2022 |
| Requested Start Time |
| 9:45 am |
| Time Requested |
| 20 minutes |

BE IT FURTHER RESOLVED that the memorandum attached in Exhibit A is deemed to satisfy the requirement in Code Section 17.08.050 A for a petition of support; and

BE IT FURTHER RESOLVED that the general character and scope of the improvement is to remove the existing dirt, gravel, curb and/or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater drainage facilities including pipes, inlets and maintenance access holes; construct curb and sidewalk as shown in Exhibit B; and plant street trees except where the existing tree canopy is deemed sufficient by the City Forester; and

BE IT FURTHER RESOLVED that the preliminary estimate of the cost of the improvements is \$1,462,836 and the Local Improvement District Administrator's level of confidence in the cost estimate for this project as of the filing date of this Resolution is "Low" per Exhibit A of Resolution No. 36430 adopted by City Council on July 26, 2006, given that project specifications are preliminary; and

BE IT FURTHER RESOLVED that the assessment methodology of the SE 89th Avenue & Taylor Street Local Improvement District shall be on a square footage basis for City-owned properties providing \$800,000 in funding within Assessment Zone 'A'; and

BE IT FURTHER RESOLVED that the assessment methodology of the SE 89th Avenue & Taylor Street Local Improvement District shall be on an equal shares basis for privately-owned properties providing \$335,434 in funding with the LID in Assessment Zone 'B'; and

BE IT FURTHER RESOLVED that the LID will provide total funding of \$1,135,434 with 70.4576586021711% of costs apportioned to Assessment Zone 'A' and 29.5423413978289% of costs apportioned to Assessment Zone 'B' as shown in Exhibit B unless this assessment methodology is modified by City Council at the Local Improvement District Formation Hearing; and

BE IT FURTHER RESOLVED that the Portland Bureau of Transportation will provide \$125,000 in pavement preservation funding, \$62,212 in sidewalk gap funding, and \$118,710 in overhead funding due to the financial participation of 15 residential properties for total General Transportation Revenue funding of \$305,922; and

BE IT FURTHER RESOLVED that the Portland Water Bureau will provide \$21,480 in funding for relocation of water meters on SE 89th Avenue due to no established grade on the street; and

BE IT FURTHER RESOLVED that the local improvement district shall be known as the SE 89th Avenue & Taylor Street Local Improvement District and, for purposes of the Local Improvement District Formation Hearing as set forth in Section 17.08.070 of City Code, the boundary shall be as shown in the map in Exhibit C; and

BE IT FURTHER RESOLVED that the Council intends to construct the project; and

BE IT FURTHER RESOLVED that the Council authorizes but does not require combined construction of Berrydale Park and adjacent right-of-way improvements within a single combined construction contract managed by PP&R to maximize efficiency and to minimize disruption to the neighborhood; and

BE IT FURTHER RESOLVED that the Council directs the Local Improvement District Administrator to initiate local improvement district formation proceedings as set forth in Code Section 17.08.070 and to schedule a Local Improvement District Formation Hearing on November 30, 2022, beginning at 9:30 AM or on the earliest practicable date thereafter.

Documents and Exhibits

 [Exhibit A](#) (380.23 Kb)

 [Exhibit B](#) (49 Kb)

 [Exhibit C](#) (683.38 Kb)

Impact Statement

Purpose of Proposed Legislation and Background Information

- This legislation initiates local improvement district formation proceedings for the SE 89th Avenue & Taylor Street LID and schedules an LID Formation Hearing for November 30, 2022.
- Final Council approval of the LID is anticipated on December 7, 2022 which would provide assurance of performance under Code Section 17.24.055 for Portland Parks & Recreation (PP&R) to begin construction of Berrydale Park, which will be a new park in East Portland.
- Portland Parks & Recreation (PP&R) is paying the majority of the cost of the LID. The LID is structured so that adjacent and nearby properties will pay only the marginal cost of building full rather than partial street improvements and adding curb and sidewalk.
- The unique geography of Berrydale Park would otherwise result in a patchwork of three noncontiguous frontage improvements if the frontages were to be improved under the public works process (PWP) in the absence of this LID. The PWP would not provide a mechanism for property owners to build the sidewalk and stormwater infrastructure desired by the neighborhood as communicated at a September 6, 2022 property owner meeting.

Financial and Budgetary Impacts

- Total project cost is \$1,462,836.
- The LID amount is \$1,135,434 including \$800,000 in Assessment Zone 'A' (Parks' properties) and \$335,434 in Assessment Zone 'B' (15 privately-owned properties).
- PBOT is contributing \$305,922 in General Transportation Revenue (GTR) including \$125,000 in pavement preservation funds, \$62,212 in sidewalk gap funding, and \$118,710 in overhead funding to defray LID costs for residential properties.
- There is no funding requested as a result of this legislation. Once the LID is formed, funding will be incorporated into the FY 2023-24 Capital Improvement Plan Requested Budget.

Community Impacts and Community Involvement

- The LID allows PP&R to proceed with design and construction of Berrydale Park.
- SE 89th Avenue lacks curbs, drainage and sidewalk facilities. The street surface is in very poor condition, with a pavement condition index rating of 23 on a zero to 100 scale, and is not salvageable. The LID would completely reconstruct the street adjacent to Berrydale Park.
- Originally a sidewalk was proposed only for the east side of SE 89th Avenue, but sidewalk is now proposed for the west side as well based on community feedback at a September 6, 2022 property owner meeting. The street width is being narrowed from 22' to 20' to minimize physical impacts and to keep all improvements within the existing right-of-way.
- New sidewalk would be built on the south side of SE Taylor Street and would be replaced as needed on the west side of SE 92nd Avenue. The new SE Taylor Street sidewalk would eliminate an east-west sidewalk gap in the neighborhood and would improve pedestrian connectivity to Berrydale Park as desired by neighborhood residents.
- Curb ramp gaps would be eliminated by this LID and would complement recent construction of existing curb ramps in this area to make them ADA-compliant.

Budget Office Financial Impact Analysis

The estimated total project budget is \$1,462,836, with PBOT contributing \$305,922 in General Transportation Revenue to defray cost for residential properties. This does not entail an immediate request for funding. Rather, with successful formation of the SE 89th Ave & Taylor Street LID by Council, PBOT will request new funds as a part in their FY2023-24 CIP requested budget.

Agenda Items

844 Time Certain in [October 12, 2022 Council Agenda](#)

Adopted

Commissioner Mingus Mapps Yea

Commissioner Carmen Rubio Yea

Commissioner Dan Ryan Yea

Commissioner Jo Ann Hardesty Yea

Mayor Ted Wheeler Yea