

RESOLUTION No. 37194

Declare intent to initiate local improvement district formation proceedings to construct street, sidewalk and stormwater improvements from north of NE Columbia Blvd to south of NE Cornfoot Rd in the NE 47th Ave Phase I Local Improvement District (Resolution; C-10052)

WHEREAS, Portland Parks & Recreation (Parks) is building improvements to the Whitaker Ponds Nature Park to support education and recreation activities and desires to create safer access to the Park along NE 47th Avenue; and based on community feedback requested assistance from the Portland Bureau of Transportation (PBOT) on February 24, 2015; and

WHEREAS, property owners within the proposed NE 47th Avenue Phase I Local Improvement District (LID) boundary were invited to attend a property owner meeting on January 15, 2016, and were notified on February 10, 2016 of proposed initiation of LID formation proceedings to be considered by Council on March 2, 2016; and

WHEREAS, the Parks Accessibility Advisory Committee was briefed by Parks on February 4, 2016 about the planned improvements to access to Whitaker Ponds; and

WHEREAS, NE 47th Avenue is a neighborhood collector in a freight district, and a Priority Truck Street on the National Highway System (NHS); and

WHEREAS, NE 47th Avenue has a pavement condition index (PCI) among the worst 0.9% of PCI scores in the City of streets with a neighborhood collector traffic designation or above; and

WHEREAS, NE 47th Avenue is a high traffic freight street crossing the Columbia Slough lacking stormwater management as well as safe pedestrian and bicycle facilities; and

WHEREAS, the project is a collaborative effort between PBOT with Parks, which provided a memorandum of support to PBOT on November 17, 2015 (attached as Exhibit A) and with the Bureau of Environmental Services (BES) which provided a memorandum of support to PBOT on January 13, 2016 (attached as Exhibit B) consistent with these bureaus' automatic support for an LID under Section 17.08.050.C of City Code; and

WHEREAS, local improvement district formation proceedings are being initiated by directive of the Commissioner in Charge of PBOT per Section 17.08.040.A of City Code (per the memorandum attached as Exhibit C); 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 located in the Central Neighbors Northeast (CNN) area, and CNN was notified of this LID by the Local Improvement District Administrator on February 5, 2016; and

WHEREAS, the proposed project is located in the Cully Association of Neighbors (Cully) and Cully was notified of this LID by the Local Improvement District Administrator on November 20, 2015;

WHEREAS, the Portland Freight Committee (PFC) was briefed on this project on October 1, 2015; on January 7, 2016; and on February 4, 2016; and

WHEREAS, the input of the PFC led to the refinement of the project design as reflected in the typical section (as shown in Exhibit D) and plan view (as shown in Exhibit E) shared with the PFC at their most recent briefing on February 4, 2016;

NOW, THEREFORE, BE IT RESOLVED, that the general character and scope of the improvement is to remove the existing dirt, gravel and/or hard surface; grade the street to its proper subgrade; construct a Portland Cement concrete street with an aggregate base; construct stormwater drainage facilities including stormwater planters; construct curbs, sidewalk and bike lanes on both sides of the street; plant street trees on both sides of the street and extend stormwater sewer; and

BE IT FURTHER RESOLVED, that the Council declares the intent of the City to initiate local improvement district formation proceedings to construct street, sidewalk and stormwater improvements to NE 47th Avenue plus any transition work on abutting street segments, intersections, and/or adjacent property determined to be necessary by the City Engineer, including but not limited to temporary and/or permanent signalization of the NE Alderwood Road and Columbia Boulevard intersection to minimize impacts to property owners abutting NE 47th Avenue during construction of this project; and

BE IT FURTHER RESOLVED, that the local improvement district shall be known as the NE 47th Avenue Phase I 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 F; and does not include improvements to unpaved NE 47th Avenue south of NE Sumner Street, which may be improved by a separate and subsequent NE 47th Avenue Phase II Local Improvement District, although there are currently no plans to do so; and

BE IT FURTHER RESOLVED, that the preliminary estimate of the cost of the improvements is \$5,706,291.18 and the Local Improvement District Administrator's level of confidence in the cost estimates 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 NE 47th Avenue Phase I Local Improvement District shall be on zoned square footage basis with Assessment Zone 'A' providing funding up to \$1,426,304.39 and Assessment Zone 'B' providing funding between \$1,426,304.39 and \$1,591,875.07 unless this assessment methodology is modified by City Council at the Local Improvement District Formation Hearing; and

BE IT FURTHER RESOLVED, that properties abutting NE 47th Avenue in which either Parks or the Bureau of Environmental Services is included on the property title will fund project costs to a maximum amount of \$1,426,304.39 as apportioned in Assessment Zone 'A' in Exhibit G at a rate of \$2,314.47 per assessable abutting linear foot with no financial responsibility to improve nearby unpaved NE 46th Avenue, adjacent NE Buffalo Street nor NE Crystal Lane; and

BE IT FURTHER RESOLVED, other properties abutting NE 47th Avenue will fund project costs of \$165,570.68 in excess of \$1,426,304.39 to a maximum amount of \$1,591,875.07 as apportioned in Assessment Zone 'B' in Exhibit G at an estimated rate of \$49.32 per assessable abutting linear foot with future financial responsibility to improve nearby unpaved NE 46th Avenue, adjacent NE Buffalo Street nor NE Crystal Lane as part of separate and subsequent local improvement district(s); and

BE IT FURTHER RESOLVED, that PBOT will fund project costs in excess of \$1,591,875.07 by providing system development charge (SDC) funding estimated at \$4,114,416.11, which is an increase of \$315,151.11 from the current project SDC allocation of \$3,799,265.00; and

BE IT FURTHER RESOLVED, that SDC funding by PBOT in excess of \$3,799,265.00 is contingent upon subsequent Council approval of a separate and subsequent ordinance to modify Ordinance No. 180970 approved by Council on May 23, 2007; and

BE IT FURTHER RESOLVED, that the Council intends to construct the project; 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 Section 17.08.070 of City Code and to schedule a Local Improvement District Formation Hearing on March 30, 2016 beginning at 9:30 AM or on the earliest practicable date thereafter.

Adopted by the Council, MAR 02 2016

Commissioner Steve Novick
Prepared by: Andrew Aebi:sld
Date Prepared: February 18, 2016

Mary Hull Caballero

Auditor of the City of Portland

By

Gayla Jennings

Deputy

Agenda No. **37194**
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 Title

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<p>INTRODUCED BY Commissioner/Auditor: COMMISSIONER STEVE NOVICK</p> <p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Hales</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Novick <i>aw</i></p> <p>BUREAU APPROVAL</p> <p>Bureau: Transportation Policy, Planning and Projects <i>Anyo</i> Manager: Art Pearce Director: Leah Treat Prepared by: Andrew Aebi:sld Date Prepared: 2/5/2016 <i>AHA 2/5/16</i> Supervisor: Dan Layden <i>D.L.</i></p> <p>Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p> <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> <p>City Auditor Office Approval: required for Code Ordinances</p> <p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter</p> <p>Council Meeting Date March 2, 2016</p>	<p>CLERK USE: DATE FILED FEB 23 2016</p> <p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input checked="" type="checkbox"/> Start time: 9:45 AM</p> <p>Total amount of time needed: 30 mins (for presentation, testimony and discussion)</p> <p>CONSENT <input type="checkbox"/></p> <p>REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	✓	
2. Fish	✓	
3. Saltzman	✓	
4. Novick	✓	
Hales	✓	