

Order 52 -03/04
Given first reading: 9/8/04
Public Hearing & Passage 8-0 9/20/04 (Geraghty absent)

NATHAN H. SMITH (MAYOR) (3)
WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
CHERYL A. LEEMAN (4)
JAMES I. COHEN (5)

CITY OF PORTLAND
IN THE CITY COUNCIL

JAMES F. CLOUTIER (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES, JR. (A/L)
PETER E. O'DONNELL (A/L)

CITY OF PORTLAND, MAINE
ORDER AMENDING ORDER NOS. 75-02/03 ADOPTED OCTOBER 21, 2002
AND 14-03/04 ADOPTED JULY 21, 2003
AND RE-APPROPRIATING EXCESS BOND PROCEEDS

WHEREAS, on October 21, 2002, the Portland City Council adopted Order No. 75-02/03 (subsequently amended by Order No. 159-02/03 adopted February 19, 2003, and as amended, the "FY03 Order") which appropriated \$500,000 of Bond proceeds to be used to provide funds to plan, design and construct the following CSO project: Capisic Brook Corridor Improvements (the "FY03 Project"); and

WHEREAS, due to changing needs in the City's CSO program, the City Council desires to suspend the FY03 Project and defer completion until a more expedient time still to be determined by the City Council; and

WHEREAS, \$400,000 of the Bond proceeds appropriated to finance the FY03 Project (the "2003 Remaining Proceeds") therefore will not be needed for the FY03 Project and such 2003 Remaining Proceeds must be allocated or re-allocated to other qualifying projects or project costs; and

WHEREAS, on July 21, 2003, the Portland City Council adopted Order No. 14-03/04 (subsequently amended by Order 160-03/04 adopted March 1, 2004, and as amended the "FY04 Order") which appropriated \$4,030,000 of Bond proceeds to be used to provide funds to plan, design and construct the following CSO projects: Fall Brook Channel Improvements, Hall Street Stormwater Separation, Lucas Street Culvert Improvements, Maine Ave. to Drake Stormwater Improvements, Ocean/Rosedale – Wellwood, St. Joseph Manor Culvert, Wellwood Stormwater Separation (the "FY04 Projects"); and

WHEREAS, due to changing needs in the City's CSO program, the City Council desires to suspend the FY04 Project and defer completion until a more expedient time still to be determined by the City Council; and

WHEREAS, \$3,160,000 of the Bond proceeds appropriated to finance the FY04 Projects (the "2004 Remaining Proceeds" and collectively with the 2003 Remaining Proceeds, the

{w0270620.1}

“Remaining Proceeds”) therefore will not be needed for the 2004 Projects and such 2004 Remaining Proceeds must be allocated or re-allocated to other qualifying projects or project costs; and

NOW, THEREFORE, by the City Council of the City of Portland, be it hereby **ORDERED, THAT:**

1. The Remaining Proceeds in the sum of \$3,560,000 are hereby de-appropriated from the FY03 Project and the FY04 Projects and are hereby appropriated to fund the New CSO Projects (listed below) as follows:

Bond Proceeds Deappropriated from FY03 and FY04 Projects

<u>FY03 and FY04 Projects</u>	<u>Original Bond Proceeds Appropriated</u>	<u>Reduced Bond Appropriation</u>	<u>Bond Proceeds Reappropriated to New CSO Projects</u>
Capisic Brook Corridor Improvements	\$500,000	\$100,000	\$400,000
Fall Brook Channel Improvements	\$950,000	\$450,000	\$500,000
Hall Street Stormwater Separation	\$330,000	\$80,000	\$250,000
Lucas Street Culvert Improvements	\$200,000	-0-	\$200,000
Maine Ave. to Drake Stormwater Improvements	\$410,000	\$50,000	\$360,000
Ocean/Rosedale – Wellwood	\$1,160,000	\$160,000	\$1,000,000
St. Joseph Manor Culvert	\$260,000	\$10,000	\$250,000
Wellwood Stormwater Separation	<u>\$720,000</u>	<u>\$120,000</u>	<u>\$600,000</u>
Total:	\$4,530,000	\$1,470,000	\$3,560,000

Bond Proceeds Appropriated to New CSO Projects

<u>New CSO Projects</u>	<u>Bond Proceeds Reappropriated to New CSO Projects</u>
Auburn Street – Christy Road to Summit Street	\$2,000,000
Washington – Barry Ave. to Bernard Rd.	\$810,000
Woodfords/Marlow/Stevens – Stevens to Brighton	<u>\$750,000</u>
Total:	\$3,560,000

2. The appropriations set forth in paragraph 1 hereof shall be made from the \$3,560,000 Remaining Proceeds, all as described above.