

ORDINANCE No. 183525

*Authorize the Portland Bureau of Transportation to acquire right-of-way dedications, easements and other real property interests required for construction of the Portland Streetcar Loop Project No. T00014, through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. In April, 2007, the Federal Transit Administration (FTA) approved initiation of Project Development for the Portland Streetcar Loop Project.
2. On April 30, 2009, the FTA announced the award of \$75 million in federal funds for the Streetcar Loop Project which the City of Portland is the subrecipient of through an Intergovernmental Agreement with TriMet.
3. The Portland Streetcar Loop Project alignment requires acquisition of certain permanent and temporary easements and other real property interests to complete the project (referenced as RWA File No. 7101).
4. Acquisition efforts will be completed in accordance with Eminent Domain procedures provided for in ORS Chapter 35 (Eminent Domain; Public Acquisition of Property), including those procedures that apply to notification, valuation, negotiation, relocation and early possession if necessary.
5. Funds are available in the Portland Streetcar Operating Fund, FY 2009-10 Budget, Bureau of Transportation, T00014.

NOW, THEREFORE, the Council directs:

- a. That the City Engineer, Bureau of Transportation or designee and/or City Attorney are authorized to acquire necessary permanent and temporary easements and other real property interests for the Portland Streetcar Loop Project under the Eminent Domain Authority of the City, including filing an action to acquire the property interests described herein or negotiating just compensation with property owners within available project budget funds. The City Engineer or designee and/or City Attorney are further authorized to enter into obligation or settlement agreements with property owners within available project budget funds.
- b. There is hereby authorized the creation of a fund in the amount estimated to be the just compensation for each interest in the property which, if necessary, shall be deposited with the clerk of the court where an action is commenced.

- c. The costs incurred in connection with the acquisition authorized herein shall be charged to the Portland Streetcar Loop Project (PBOT T00014).
- d. The properties affected by this ordinance are substantially the same as described as follows:
RW 7101-2572 (1S1E03DD TL 300)
As described in Exhibits A1 through A5 and depicted on Exhibits B1 through B5 attached hereto.
RW 7105-2355 (1N1E34BC TL 300)
As described in Exhibits C1 through C4 and depicted on Exhibits D1 through D4 attached hereto.
- e. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Portland Streetcar Loop Fund Budget when demand is presented and approved by the proper authority.

Section 2. The Council declares that an emergency exists because the schedule is dependant on the timely start of construction; therefore, this Ordinance shall be in full force and effect from and after its passage by the Council.

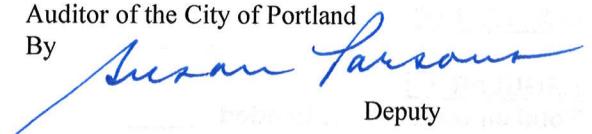
Passed by the Council, FEB 10 2010

Mayor Sam Adams
Prepared by: Dee A. Walker slg
Date Prepared: January 25, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By


Deputy

200

Agenda No.

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Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>on behalf of Mayor Adams</i> COMMISSIONER APPROVAL	CLERK USE: DATE FILED FEB 05 2010 LaVonne Griffin-Valade Auditor of the City of Portland
Mayor—Finance and Administration - Adams	By: <i>[Signature]</i> Deputy
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i>	ACTION TAKEN:
Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	
Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date February 10, 2010	
<input checked="" type="checkbox"/> City Attorney Approval <i>D.I+.</i>	

AGENDA TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) CONSENT <input checked="" type="checkbox"/> REGULAR <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)

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