

ORDINANCE No. 184287

Authorize Portland Parks & Recreation to acquire permanent and temporary easements necessary for construction of the Waud Bluff Trail Project through the exercise of the City's Eminent Domain Authority (Ordinance).

The City of Portland ordains:


Section 1. The Council finds:

1. Portland Parks & Recreation (PP&R) has initiated the Waud Bluff Trail Project which implements elements of the Swan Island Trails Action Plan and the Transportation System Plan to improve freight mobility and pedestrian safety within Swan Island. The project will provide a trail from N. Willamette Blvd, down the bluff, across the UPRR Rail line and connect to N. Basin Avenue. The trail will improve pedestrian connection and railroad crossing safety.
2. The Waud Bluff Trail Project requires acquisition of certain private property interests to implement the engineering and construction requirements of the project.
3. If acquisition cannot be accomplished on a willing seller basis, 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.
4. Funds are available in the Parks and Recreation Budget, FY 2010-2011, Project Number P10226.

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and Auditor are authorized to acquire necessary easements for the Waud Bluff Trail Project under the Eminent Domain Authority of the City, including filing an action to acquire the property interests described herein on Exhibit A, or negotiating just compensation with property owners within available project budget funds.
- b. The creation of a fund is authorized 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 Waud Bluff Trail Project, P10226.

Passed by the Council, DEC 08 2010
Commissioner Fish
Prepared by: Lisa Tyler:ds
Date Prepared: October 22, 2010

LaVonne Griffin-Valade
Auditor of the City of Portland
By 
Deputy

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Agenda No.
ORDINANCE NO. 184287
 Title

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INTRODUCED BY Commissioner/Auditor: Commissioner Fish	CLERK USE: DATE FILED <u>NOV 23 2010</u>
COMMISSIONER APPROVAL Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard	LaVonne Griffin-Valade Auditor of the City of Portland By: <u>Susan Larson</u> Deputy
BUREAU APPROVAL Bureau: Parks and Recreation Bureau Head: Zari Santner Prepared by: Lisa Tyler Date Prepared: October 22, 2010 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 December 1, 2010	ACTION TAKEN: DEC 01 2010 PASSED TO SECOND READING DEC 08 2010 9:30 A.M.
City Attorney Approval <u>Benjamin Walters</u>	

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	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input checked="" type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	