

ORDINANCE No. 184609

*Authorize the Bureau of Transportation to acquire certain temporary and permanent easements necessary for construction of the NE 136th Avenue Phase I LID Project through the exercise of the City's Eminent Domain Authority (Ordinance; C-10036)

The City of Portland ordains:

Section 1. The Council finds:

1. The general character and scope of the improvement is to remove the existing dirt, gravel and/or hard surface; grade streets to their proper subgrade; construct asphaltic concrete streets with an aggregate base; construct stormwater drainage facilities consisting of curb extensions with water quality treatment facilities; construct sidewalks on both sides of the street; and plant street trees in most locations. The project limit is from 80 feet south of Whitaker Way to the north property line of 4525 NE 136th Avenue; however, an additional acquisition will be made in the transition area between NE Whitaker Way and 80 feet south to install a stop sign. This transition area improvement was anticipated per Finding No. 5 of Ordinance No. 184090.
2. The NE 136th Avenue Phase I LID Project requires acquisition of certain private property interests to implement the engineering and construction requirements of the project.
3. 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. It is necessary to acquire possession of the temporary and permanent easements by January 2, 2012, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2011-2012 Budget, SAP #T00240.L46

NOW, THEREFORE, the Council directs:

- a. That the Director of the Bureau of Transportation or designee and/or City Attorney are authorized to acquire necessary temporary and permanent easements for the NE 136th Avenue Phase I LID 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 Director of the Bureau of Transportation or designee and/or the City Attorney are further authorized to enter into obligations agreements with property owners to address construction management concerns 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 NE 136th Avenue Phase I LID Project.
- d. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Transportation Fund Budget when demand is presented and approved by the proper authority.
- e. The property affected by this ordinance are described below and are depicted in the attached exhibits:

R/W 7320-01 (Dedication)

A strip of land located in the W.G. Wilkes D.L.C., in the N.E. Quarter of Section 23, Township 1 North, Range 2 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon. Being a portion of PARCEL'S 1,2 and 3 of that certain tract of land conveyed to "Bergelectric Corp.", from "Summit Properties Inc." in document number 2010-115002, dated September 14, 2010, Multnomah County deed records, being a portion of Lot 1 of Block 5 of the duly recorded Plat of "SPACE INDUSTRIAL PARK" and Lots 16 and 17 of the duly recorded Plat of REYNOLDS MOUNTAIN VIEW, both in the City of Portland, Multnomah County, Oregon, more particularly described as follows; BEGINNING at a point on the East right of way line of N.E.136th Ave, said point being the S.W. corner of said Lot 17; Thence North 01°27'36" East, along said East right of way line, a distance of 320.00 feet; Thence South 88°32'24" East, perpendicular to said East right of way line, a distance of 10.00 feet Thence South 01°27'36" West, parallel with said East right of way line, a distance of 320.00 feet to the South line of said Lot 17; Thence North 88°32'24" West, along said South line, a distance of 10.00 feet, to the POINT of BEGINNING. Containing approximately 3,200 square feet.

R/W 7320-01 (Dedication)

A tract of land located in the W.G. Wilkes D.L.C., in the N.E. Quarter of Section 23, Township 1 North, Range 2 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon. Being a portion of PARCEL 2 of that certain tract of land conveyed to "Bergelectric Corp.", from "Summit Properties Inc." in document number 2010-115002, dated September 14, 2010, Multnomah County deed records, being a portion of Lot 1 of Block 5 of the duly recorded Plat of "SPACE INDUSTRIAL PARK", in the City of Portland, Multnomah County, Oregon, more particularly described as follows; BEGINNING at a point on the East right of way line of N.E.136th Ave, said point being the South Point of Curvature (PC) of a 15.00 foot radius curve to the right, having a central angle of 53°07'48" and a chord bearing and distance of North 28°01'30" East, 13.42 feet respectively, said curve being a portion of that curve located at the intersection of the East right of way line of said N.E. 136th Ave. and the South right of way line

of N.E. Whitaker Way in the N.W. Corner of said Lot 1 of Block 5 of the Plat of SPACE INDUSTRIAL PARK; Thence along the arc of said curve a distance of 13.91 feet; Thence South $01^{\circ}27'36''$ West, parallel with said East right of way line, a distance of 12.00 feet; Thence North $88^{\circ}32'24''$ West, a distance of 6.00 feet, to the POINT of BEGINNING. Containing approximately 50 square feet.

R/W 7320-01 (Temporary Construction Easement)

A strip of land located in the W.G. Wilkes D.L.C., in the N.E. Quarter of Section 23, Township 1 North, Range 2 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon. Being a portion of PARCEL 2 of that certain tract of land conveyed to "Bergelectric Corp.", from "Summit Properties Inc." in document number 2010-115002, dated September 14, 2010, Multnomah County deed records, being a portion of Lot 1 of Block 5 of the duly recorded Plat of "SPACE INDUSTRIAL PARK", in the City of Portland, Multnomah County, Oregon, more particularly described as follows; Commencing at a point on the East right of way line of N.E.136th Ave, which bears South $01^{\circ}27'36''$ West, 65.00 feet, from the South Point of Curvature (PC) of the 15.00 foot radius curve located at the intersection of the East right of way line of said N.E. 136th Ave. and the South right of way line of N.E. Whitaker Way in the N.W. Corner of said Lot 1 of Block 5 of the Plat of "SPACE INDUSTRIAL PARK"; Thence South $88^{\circ}32'24''$ East, perpendicular to said East right of way line a distance of 10.00 feet, to the POINT of BEGINNING; Thence continuing South $88^{\circ}32'24''$ East, perpendicular to said East right of way line a distance of 5.00 feet, Thence South $01^{\circ}27'36''$ West, parallel with said East right of way line, a distance of 78.69 feet; Thence North $88^{\circ}32'24''$ West, a distance of 5.00 feet; Thence North $01^{\circ}27'36''$ East, parallel with said East right of way line, a distance of 78.69 feet to the POINT of BEGINNING. Containing approximately 393 square feet.

R/W 7320-01 (Temporary Construction Easement)

A strip of land located in the W.G. Wilkes D.L.C., in the N.E. Quarter of Section 23, Township 1 North, Range 2 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon. Being a portion of PARCEL'S 1, and 3, of that certain tract of land conveyed to "Bergelectric Corp.", from "Summit Properties Inc." in document number 2010-115002, dated September 14, 2010, Multnomah County deed records, being a portion of Lot 1 of Block 5 of the duly recorded Plat of "SPACE INDUSTRIAL PARK" and Lots 16 and 17 of the duly recorded Plat of REYNOLDS MOUNTAIN VIEW, both in the City of Portland, Multnomah County, Oregon, more particularly described as follows; Commencing at a point on the East right of way line of N.E.136th Ave, said point being the S.W. corner of said Lot 17; Thence South $88^{\circ}32'24''$ East, along the South line of said Lot 17, a distance of 10.00 feet to the POINT of BEGINNING of the strip of land herein described Thence North $01^{\circ}27'36''$ East, parallel with said East right of way line, a distance of 166.16 feet; Thence South $88^{\circ}32'24''$ East, perpendicular to said East right of way line, a distance of 5.00 feet Thence South $01^{\circ}27'36''$ West, parallel with said East right of way line, a distance of 166.16 feet to the South line of said Lot 17; Thence North $88^{\circ}32'24''$ West, along said South line, a distance of 5.00 feet, to the POINT of BEGINNING. Containing approximately 831 square feet.

R/W 7320-02 (Dedication)

A strip of land located in the W.G. Wilkes D.L.C., in the N.E. Quarter of Section 23, Township 1 North, Range 2 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon. Being a portion of PARCEL IV of that certain tract of land conveyed to "Supreme Steel Inc.", from "Canron Construction Corp." in document number 2003-267931, dated November 10, 2003, Multnomah County deed records, described as Lots 7 and 18, of the duly recorded Plat of "REYNOLDS MOUNTAIN VIEW", more particularly described as follows; BEGINNING at a point on the East right of way line of N.E.136th Ave, said point being the N.W. corner of said Lot 18; Thence South 88°32'24" East, along the North line of said Lot 18, a distance of 10.00 feet Thence South 01°27'36" West, parallel with said East right of way line, a distance of 80.00 feet to the South line of said Lot 18; Thence North 88°32'24" West, along said South line, a distance of 10.00 feet, to said East right of way line; Thence North 01°27'36" East, along said East right of way line, a distance of 80.00 feet to the POINT of BEGINNING. Containing approximately 800 square feet.

R/W 7320-02 (Temporary Construction Easement)

A strip of land located in the W.G. Wilkes D.L.C., in the N.E. Quarter of Section 23, Township 1 North, Range 2 East, of the Willamette Meridian, in the City of Portland, Multnomah County, Oregon. Being a portion of PARCEL IV of that certain tract of land conveyed to "Supreme Steel Inc.", from "Canron Construction Corp." in document number 2003-267931, dated November 10, 2003, Multnomah County deed records, described as Lots 7 and 18, of the duly recorded Plat of "REYNOLDS MOUNTAIN VIEW", more particularly described as follows; Commencing at a point on the East right of way line of N.E.136th Ave, said point being the N.W. corner of said Lot 18; Thence South 88°32'24" East, along the North line of said Lot 18, a distance of 10.00 feet to the POINT of BEGINNING of the strip of land herein described; Thence Continuing South 88°32'24" East, along the North line of said Lot 18, a distance of 5.00 feet Thence South 01°27'36" West, parallel with said East right of way line, a distance of 80.00 feet to the South line of said Lot 18; Thence North 88°32'24" West, along said South line, a distance of 5.00 feet; Thence North 01°27'36" East, parallel with said East right of way line, a distance of 80.00 feet to the POINT of BEGINNING. Containing approximately 400 square feet.

Section 2. The Council declares that an emergency exists because delay in property acquisition at this location may result in a delay in construction and impact the overall project completion; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

Passed by the Council,

MAY 25 2011

Mayor Sam Adams

Prepared by: Marty Maloney, slg

Date Prepared: May 5, 2011

LaVonne Griffin-Valade

Auditor of the City of Portland

By

Susan Parsons

Deputy

Agenda No.
ORDINANCE NO.
Title

184609

*Authorize the Bureau of Transportation to acquire certain temporary and permanent easements necessary for construction of the NE 136th Avenue Phase I LID Project through the exercise of the City's Eminent Domain Authority (Ordinance; C-10036)

<p align="center">INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS</p> <hr/> <p align="center">COMMISSIONER APPROVAL</p> <p>Mayor: <i>[Signature]</i> - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> <hr/> <p align="center">BUREAU APPROVAL</p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>[Signature]</i></p> <p>Prepared by: Marty Maloney:slg Date Prepared: May 17, 2011</p> <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <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>Council Meeting Date May 25, 2011</p> <p>City Attorney Approval <i>[Signature]</i></p>	<p>CLERK USE: DATE FILED <u>MAY 20 2011</u></p> <hr/> <p align="center">LaVonne Griffin-Valade 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 type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
		YEAS	NAYS
1. Fritz	1. Fritz	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input checked="" type="checkbox"/>	