ORDINANCE No. 185106

*Authorize the Bureau of Transportation to acquire certain temporary and permanent easements necessary for construction of the NE 102nd Ave Streetscape Improvement Project Phase II through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

- 1. Phase II of the NE 102nd Avenue Streetscape Improvement project (NE 102nd Avenue from NE Glisan Street to E Burnside Street) will widen the existing sidewalks, add additional streetlights and street trees, include additional pedestrian crossings and provide for treatment of storm water runoff.
- 2. The 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 14, 2013, so that construction can begin on schedule.
- 5. Funds are available in the Transportation Operating Fund, FY 2012-2013 Budget, SAP #T00134.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 102nd Avenue Streetscape Improvement Project Phase II 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 102nd Avenue Streetscape Improvement Project Phase II.

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 properties affected by this ordinance are described in, and depicted on the attached exhibits 1 through 32 and their associated exhibits.

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,

JAN 18 2012

Mayor Sam Adams Prepared by: Marty Maloney, slg Date Prepared: December 30, 2011

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

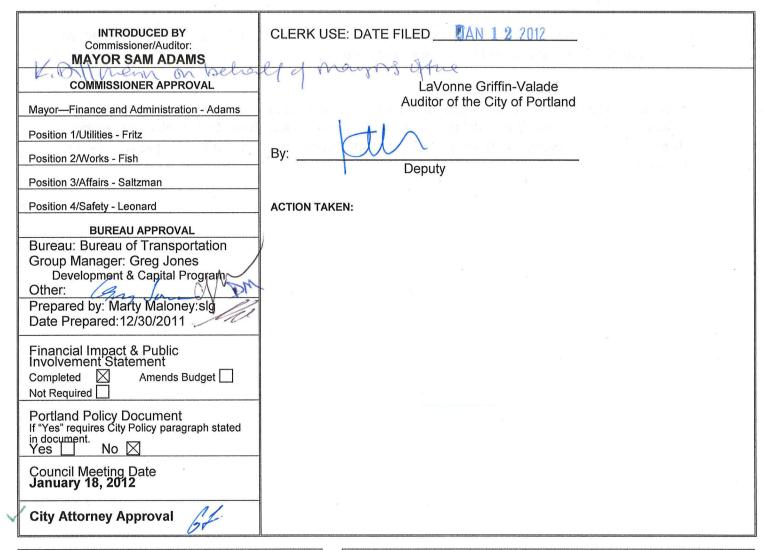
Agenda No. ORDINANCE NO. 185106

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AGENDA	FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:		
TIME CERTAIN Start time:			YEAS	NAYS
Total amount of time needed: (for presentation, testimony and discussion)	1. Fritz	 Fritz 	V	
	2. Fish	2. Fish	~	
CONSENT	3. Saltzman	3. Saltzman	V	
REGULAR	4. Leonard	4. Leonard	V	
	Adams	Adams		

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