

ORDINANCE No. 185137

*Authorize the Bureau of Transportation to acquire certain temporary easements necessary for construction of the Lents IV / SE 118th Ave Local Improvement District Project through the exercise of the City's Eminent Domain Authority (Ordinance; C-10040)

The City of Portland ordains:

Section 1. The Council finds:

1. The general character and scope of the Lents IV / SE 118th Ave. Local Improvement District Project are to remove the existing dirt, gravel and or hard surface; grade the street to its proper subgrade; construct an asphaltic concrete street with an aggregate base; construct stormwater management facilities; construct sidewalks on both sides of the street; and plant street trees.
2. The Project requires acquisition of certain private property interests to construct 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 easements by July 1, 2012, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2011-2012 Budget, SAP #T00083.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 easements for the Lents IV / SE 118th Ave Local Improvement District 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 Lents IV / SE 118th Ave Local Improvement District.
- 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 11 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, FEB 08 2012

Mayor Sam Adams
Prepared by: Marty Maloney, slg
Date Prepared: January 30, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

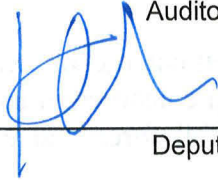
By


Deputy

Agenda No.
ORDINANCE NO.
 Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>Commissioner on behalf of Mayor Adams</i> COMMISSIONER APPROVAL	CLERK USE: DATE FILED FEB 03 2012
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 
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>Greg Jones</i> Prepared by: Marty Maloney:slg Date Prepared: January 30, 2012	By: _____ Deputy
Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/>	ACTION TAKEN:
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 8, 2012	
City Attorney Approval <i>R.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	<input checked="" type="checkbox"/>	
2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	<input type="checkbox"/>	
Adams	<input checked="" type="checkbox"/>	