

FINANCIAL IMPACT STATEMENT For Council Action Items

(Deliver original to Financial Planning Division. Retain copy.)

1. Name of Initiator Marty Maloney		2. Telephone No. 503-823-7933	3. Bureau/Office/Dept. PBOT/RWA
5a. To be filed (hearing date): April 13, 2011	5b. Calendar (Check One) Regular <input checked="" type="checkbox"/> Consent <input type="checkbox"/> 4/5ths <input type="checkbox"/>		4. Date Submitted to Commissioner's office and FPD Budget Analyst: April 1, 2011

1) Legislation Title: Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SW Boones Ferry Rd – SW Stephenson St Project, through the exercise of the City's Eminent Domain Authority (Resolution)

2) Purpose of the Proposed Legislation: To acquire permanent and temporary easements through the exercise of the City's Eminent Domain authority.

Revenue and/or Expense:

Is ALL the Revenue and/or Expense a part of the current year's budget? Yes X No _____
 SAP COST OBJECT No(s): T00048.L46 then go to Step #5.
 If NO, complete Steps 3 & 4. For modifications to budgets, identify/discuss only the changes to the budget.

3) Revenue:

Will this legislation generate or reduce current or future revenue coming to the City? If so, by how much? If new revenue is generated please identify the source. N/A

4) Expense:

What are the costs to the City as a result of this legislation? What is the source of funding for the expense? (Please include costs in the current fiscal year as well as costs in future years) (If the action is related to a grant or contract please include the local contribution or match required) ("If there is a project estimate, please identify the **level of confidence**.") \$10,000, which includes the costs associated with the filing of a condemnation action by the City Attorney's Office if necessary. These expenses are covered as part of this cost center's budgeted appropriation. This dollar amount does not include the costs of the property acquisition and construction of the project. These costs are included in the project's budget. This dollar amount also does not include the costs of prolonged litigation or those associated with appellate court proceedings.

Staffing Requirements:

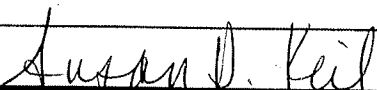
5) Will any positions be created, eliminated or re-classified in the current year as a result of this legislation? (If new positions are created please include whether they will be part-time, full-time, limited term or permanent positions. If the position is limited term please indicate the end of the term.) No.

6) Will positions be created or eliminated in future years as a result of this legislation? No.

7) Change in Appropriations (If the accompanying ordinance amends the budget, please reflect the dollar amount to be appropriated by this legislation. If the appropriation includes an interagency agreement with another bureau, please include the partner bureau budget adjustments in the table as well. Include the appropriate cost elements that are to be loaded by the Grants Office and/or Financial Planning. Use additional space if needed.) N/A.

Fund	Fund Center	Commitment Item	Functional Area	Funded Program	Grant	Sponsored Program	Amount

KK 03-29-11



APPROPRIATION UNIT HEAD SUSAN D. KEIL, Director, Bureau of Transportation

EXHIBIT A

January 4, 2011

TCE - Walker, Jean L – 1S1E33AD 1200 – 710 SW Stephenson Ct.

A portion of Lot 10, *GRACEMONT*, recorded June 7, 1940, Multnomah County Plat Records, situated in the Northeast Quarter of Section 33, T1S, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, described as follows:

Beginning at a point on the North line of SW Stephenson Street, said point being N 87° 39' 02" W, a distance of 69.07 feet, from the Southerly point of curvature of a 15.00 foot radius curve at the Southeast corner of said Lot 10; Thence N 16° 41' 47" W, a distance of 3.00 feet; Thence N 73° 18' 13" E, a distance of 47.72 feet; Thence along the arc of a 30.50 foot radius curve to the left, through a central angle of 81° 02' 30", an arc distance of 43.14 feet (chord bears N 32° 46' 58" E, 39.63 feet); Thence N 07° 44' 17" W, a distance of 18.29 feet; Thence N 82° 15' 43" E, a distance of 3.00 feet, to the Southwesterly line of SW Stephenson Court; Thence S 07° 44' 17" W, a distance of 18.29 feet, to a point of curvature; Thence along the arc of a 33.50 foot radius curve to the right, through a central angle of 81° 02' 30", an arc distance of 47.38 feet (chord bears S 32° 46' 58" W, 43.53 feet); Thence S 73° 18' 13" W, a distance of 47.72 feet, to the Point of Beginning.

Contains approximately 334 square feet.

January 4, 2011

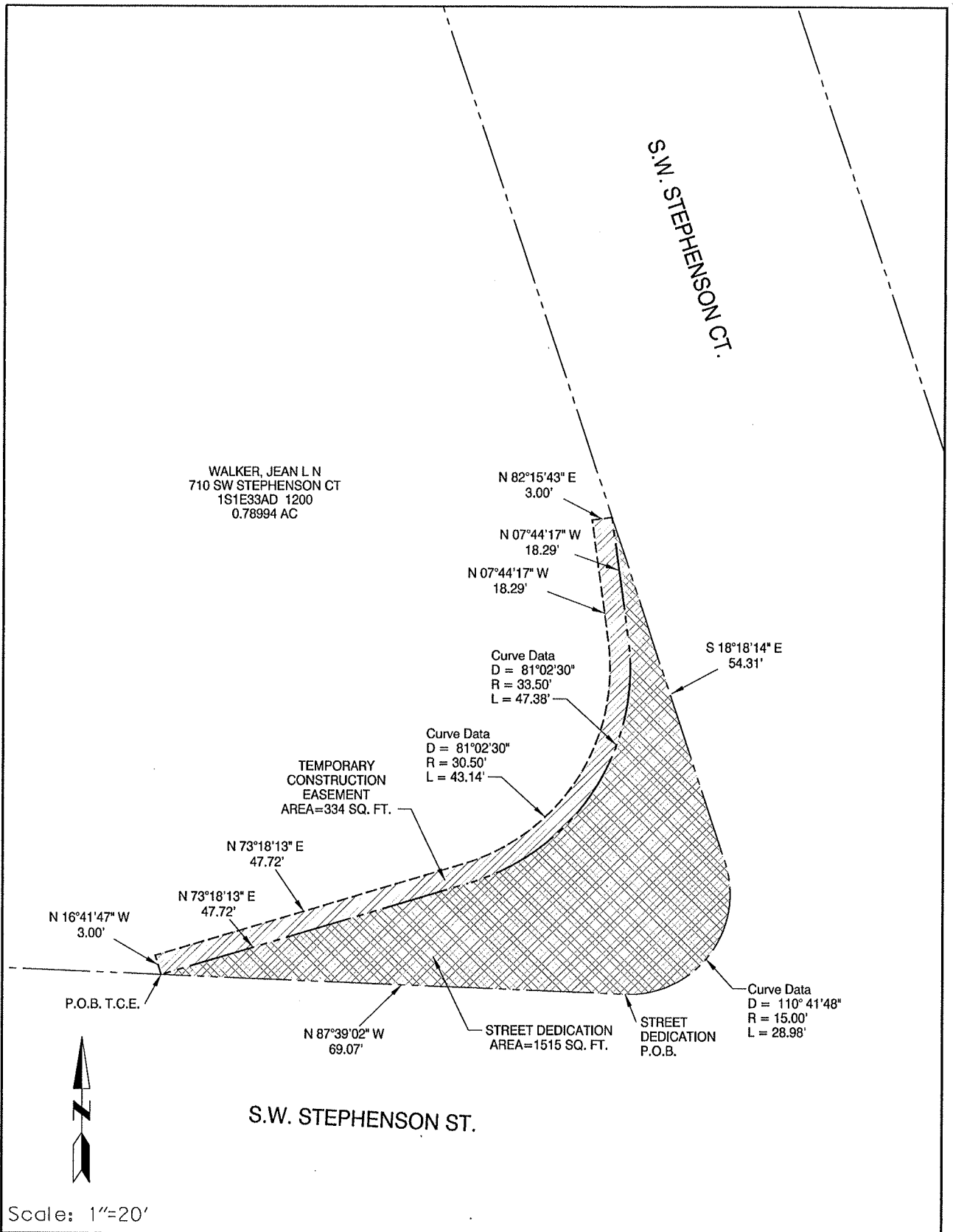
Street Dedication - Walker, Jean L – 1S1E33AD 1200 – 710 SW Stephenson Ct.

A portion of Lot 10, *GRACEMONT*, recorded June 7, 1940, Multnomah County Plat Records, situated in the northeast one-quarter on Section 33, T1S, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, described as follows:

Beginning at a point on the North line of SW Stephenson Street, said point being the Southerly point of curvature of a 15.00 foot radius curve at the Southeast corner of said Lot 10; Thence N 87° 39' 02" W, along the North line of SW Stephenson Street, a distance of 69.07 feet; Thence N 73° 18' 13" E, a distance of 47.72 feet; Thence along the arc of a 33.50 foot radius curve to the left, through a central angle of 81° 02' 30", an arc distance of 47.38 feet (chord bears N 32° 46' 58" E, 43.53 feet); Thence N 07° 44' 17" W, a distance of 18.29 feet, to the Southwesterly line of SW Stephenson Court; Thence S 18° 18' 14" E, along said Southwesterly line, a distance of 54.31 feet, to a point of curvature; Thence along the arc of a 15.00 foot radius curve to the right, through a central angle of 110° 41' 48", an arc distance of 28.98 feet (chord bears S 37° 02' 22" W, 24.68 feet), to the Point of Beginning.

Contains approximately 1,515 square feet.

Plot Date: 1/10/2011
File Name: S:_il Design\T00048 - SW Boones Ferry & Stephenson\CAD\RIGHT-OF-WAY DRAWINGS\PLAN SHEETS\SH1_USE33AD 1200.lin=20ft.dgn



CITY OF
PORTLAND
OFFICE OF
TRANSPORTATION

SAM ADAMS
STEVE TOWNSEN, P.E.

COMMISSIONER
CITY ENGINEER

State I.D.

1S1E33AD 1200

EXHIBIT B

January 4, 2011

TCE – Moore, Patrick L & Cynthia K– 1S1E33DB 200
818 SW Stephenson Street

A portion of that tract of land deeded to Patrick L & Cynthia K Moore, described in Book 2383, Page 1295, recorded February 4, 1991, Multnomah County Deed Records, situated in the Southeast Quarter of Section 33, T1S, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, described as follows:

Beginning at a point on the South line of SW Stephenson Street, said point being N 87° 39' 02" W, a distance of 182.39 feet from the Northeast corner of said tract of land deeded to Patrick L & Cynthia K Moore, described in Book 2383, Page 1295, recorded February 4, 1991, Multnomah County Deed Records; Thence S 04° 18' 44" W, a distance of 16.06 feet; Thence along the arc of a 96.50 foot radius curve to the right, through a central angle of 57° 21' 33", an arc distance of 96.61 feet (chord bears S 57° 11' 25" E, 92.62 feet); Thence S 49° 38' 30" W, a distance of 12.05 feet; Thence S 71° 48' 25" W, a distance of 83.36 feet; Thence S 75° 33' 23" W, a distance of 104.72 feet; Thence S 14° 26' 37" E, a distance of 4.00 feet; Thence S 75° 33' 23" W, a distance of 119.33 feet; Thence S 13° 53' 37" E, a distance of 7.42 feet, to the Northwesterly line of SW Boones Ferry Road; Thence S 78° 19' 02" W, along the Northwesterly line of SW Boones Ferry Road, a distance of 3.00 feet; Thence N 13° 53' 37" W, a distance of 10.24 feet; Thence N 75° 33' 23" E, a distance of 119.30 feet; Thence N 14° 26' 37" W, a distance of 4.00 feet; Thence N 75° 33' 23" E, a distance of 107.72 feet; Thence N 71° 48' 25" E, a distance of 82.77 feet; Thence N 49° 38' 30" E, a distance of 8.82 feet; Thence along the arc of a 93.50 foot radius curve to the left, through a central angle of 57° 47' 00", an arc distance of 94.30 feet (chord bears N 58° 49' 18" W, 90.35 feet); Thence N 04° 18' 44" E, a distance of 19.02 feet, to the South line of SW Stephenson Street; Thence S 87° 39' 02" E, along the South line of SW Stephenson Street, a distance of 3.00 feet, to the Point of Beginning.

Contains approximately 1,322 square feet.

January 4, 2011

Slope Easement – Moore, Patrick L & Cynthia K– 1S1E33DB 200
818 SW Stephenson Street

A portion of that tract of land deeded to Patrick L & Cynthia K Moore, described in Book 2383, Page 1295, recorded February 4, 1991, Multnomah County Deed Records, situated in the Southeast Quarter of Section 33, T1S, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, described as follows:

Commencing at a point on the South line of SW Stephenson Street, said point being N 87° 39' 02" W, a distance of 182.39 feet from the Northeast corner of said tract of land deeded to Patrick L & Cynthia K Moore, described in Book 2383, Page 1295, recorded February 4, 1991, Multnomah County Deed Records; Thence S 04° 18' 44" W, a distance of 9.06 feet, to the True Point of Beginning of the tract herein described; Thence along the arc of a 103.50 foot radius curve to the right, through a central angle of 53° 20' 13", an arc distance of 96.35 feet (chord bears S 59° 11' 21" E, 92.91 feet), to a point of compound curvature; Thence along the arc of a 20.00 foot radius curve to the right, through a central angle of 103° 16' 27", an arc distance of 36.05 feet (chord bears S 19° 07' 00" W, 31.36 feet); Thence S 70° 45' 13" W, a distance of 107.84 feet; Thence S 76° 06' 23" W, a distance of 134.35 feet, to the Northwesterly line of SW Boones Ferry Road; Thence S 78° 19' 02" W, along the Northwesterly line of SW Boones Ferry Road, a distance of 63.86 feet; Thence N 13° 53' 37" W, a distance of 7.42 feet; Thence N 75° 33' 23" E, a distance of 119.33 feet; Thence N 14° 26' 37" W, a distance of 4.00 feet; Thence N 75° 33' 23" E, a distance of 104.72 feet; Thence N 71° 48' 25" E, a distance of 83.36 feet; Thence N 49° 38' 30" E, a distance of 12.05 feet, Thence along the arc of a 96.50 foot radius curve to the left, through a central angle of 57° 21' 33", an arc distance of 96.61 feet, (chord bears N 57° 11' 25" W, 92.62 feet); Thence N 04° 18' 44" E, a distance of 7.00 feet, to the True Point of Beginning.

Contains approximately 4,712 square feet.

January 4, 2011

Street Dedication – Moore, Patrick L & Cynthia K– 1S1E33DB 200
818 SW Stephenson Street

A portion of that tract of land deeded to Patrick L & Cynthia K Moore, described in Book 2383, Page 1295, recorded February 4, 1991, Multnomah County Deed Records, situated in the southeast one-quarter on Section 33, T1S, R1E, W.M., City of Portland, County of Multnomah, State of Oregon, described as follows:

Beginning at a point on the South line of SW Stephenson Street, said point being the Northeast corner of said tract of land deeded to Patrick L & Cynthia K Moore, described in Book 2383, Page 1295, recorded February 4, 1991, Multnomah County Deed Records; Thence S 02° 20' 57" W, a distance of 39.76 feet, to the Northwestern line of SW Boones Ferry Road; Thence along the Northwestern line of SW Boones Ferry Road, along the arc of a 447.46 foot radius curve to the right, through a central angle of 22° 48' 31", an arc distance of 178.13 feet (chord bears S 66° 54' 47" W, 176.95 feet); Thence continuing along the Northwestern line of SW Boones Ferry Road, S 78° 19' 02" W, a distance of 185.05 feet; Thence N 76° 06' 23" E, a distance of 134.35 feet; Thence N 70° 45' 13" E, a distance of 107.84 feet, to a point of curvature; Thence along the arc of a 20.00 foot radius curve to the left, through a central angle of 103° 16' 27", an arc distance of 36.05 feet (chord bears N 19° 07' 00" E, 31.36 feet), to a point of compound curvature; Thence along the arc of a 103.50 foot radius curve to the left, through a central angle of 53° 20' 13", an arc distance of 96.35 feet (chord bears N 59° 11' 21" W, 92.91 feet); Thence N 04° 18' 44" E, a distance of 9.06 feet, to the South line of SW Stephenson Street; Thence S 87° 39' 02" E, along the South line of SW Stephenson Street, a distance of 182.39 feet, to the Point of Beginning.

Contains approximately 10,710 square feet.

RESOLUTION No.

Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SW Boones Ferry Rd - SW Stephenson St Project, through the exercise of the City's Eminent Domain Authority (Resolution)

WHEREAS the City of Portland may exercise the power of eminent domain pursuant to Section 9-108 of the City Charter and in accordance with Eminent Domain procedures provided for in ORS Chapter 35 (Eminent Domain; Public Acquisition of Property), when the exercise of such power is deemed necessary by the City Council to accomplish public purposes for which the City has responsibility; and

WHEREAS the City of Portland has the responsibility of providing safe transportation routes for commerce, convenience and to adequately serve the traveling public; and

WHEREAS the project known as SW Boones Ferry Road – SW Stephenson Street has been planned in accordance with appropriate engineering standards for the construction, maintenance or improvement of said transportation infrastructure such that property damage is minimized, transportation promoted, travel safeguarded; and

WHEREAS to accomplish the project set forth above, it is necessary to acquire the interests in the properties described in "Exhibits A - B and their associated exhibits", attached to this resolution and, by this reference incorporated herein; and

WHEREAS funds are available in the Transportation Operating Fund, FY 2010-2011 Budget, SAP # T00048.L46;

NOW, THEREFORE, BE IT RESOLVED, by the Council, that it is hereby declared that it is necessary to acquire the property interests shown and/or described in Exhibits A – B and their associated exhibits to this Resolution for the SW Boones Ferry Road – SW Stephenson Street Project, for which the City is authorized by law to acquire property, and that the project has been planned, designed, located, and will be constructed in a manner which will be most compatible with the greatest public good and the least private injury; and

BE IT FURTHER RESOLVED, that the power of eminent domain is hereby exercised with respect to each of the interests in properties described in the attached Exhibits A – B and their associated exhibits. Each is acquired subject to payment of just compensation and subject to procedural requirements of Oregon law; and

BE IT FURTHER RESOLVED, that the Bureau of Transportation's staff and the Office of the City Attorney are authorized and requested to attempt to agree with the owner and other persons in interest as to the compensation to be paid for each acquisition, and, in the event that no satisfactory agreement can be reached, to commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the

jurisdiction of any court to decide matters determined above or determinable by the City Council;
and

BE IT FURTHER RESOLVED, that the Bureau of Transportation is authorized to determine the continuing necessity or propriety of the acquisition authorized by this Resolution, its quantity, quality, or locality, and to reduce or abandon any acquisition described in the attached Exhibits A - B and their associated exhibits; and

BE IT FURTHER RESOLVED, that the Commissioner-in-Charge and Auditor are authorized to draw and deliver warrants chargeable to the Transportation Operating Fund when demand is presented and approved by the proper authority.

Adopted by the Council,

Mayor Sam Adams
Prepared by: Marty Maloney:slg
Date Prepared: March 23, 2011

LaVonne Griffin-Valade
AUDITOR OF THE CITY OF PORTLAND
By

Deputy

Agenda No.
RESOLUTION NO.
Title

Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SW Boones Ferry Rd – SW Stephenson St Project, through the exercise of the City's Eminent Domain Authority (Resolution)

INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Dillmann on behalf of Mayor Adams</i> COMMISSIONER APPROVAL	CLERK USE: DATE FILED <u>APR 08 2011</u>
Mayor—Finance and Administration - Adams	LaVonne Griffin-Valade Auditor of the City of Portland
Position 1/Utilities - Fritz	By: <u><i>[Signature]</i></u> Deputy
Position 2/Works - Fish	ACTION TAKEN:
Position 3/Affairs - Saltzman	APR 13 2011 <i>REFERRED TO COMMISSIONER OF FINANCE & ADMINISTRATION</i>
Position 4/Safety - Leonard	
BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other <i>Assand Karl</i>	
Prepared by: Marty Maloney:slg Date Prepared: 3/23/2011	
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 April 13, 2011	
City Attorney Approval <i>Bryamin Walters</i>	

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input type="checkbox"/>
REGULAR <input checked="" type="checkbox"/> Total amount of time needed: 5 min (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	