

IMPACT STATEMENT

Legislation title: *Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the Foster Road – SE Powell Boulevard to SE 91st Avenue project, through the exercise of the City’s Eminent Domain Authority (Ordinance)

Contact name: Marty Maloney, PBOT Right of Way Acquisition
Contact phone: 503-823-7933
Presenter name: Marty Maloney

Purpose of proposed legislation and background information:

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), including those procedures that apply to notification, valuation, negotiation, relocation and early possession if necessary, when the exercise of such power is deemed necessary by the City Council to accomplish public purposes for which the City has responsibility.

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

The project known as Foster Road – SE Powell Boulevard to SE 91st Avenue project (“the Project”) 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, and travel safeguarded.

The Project will implement the Foster Road Streetscape Plan adopted by City Council in 2014. The Project will design and construct improvements to SE Foster Road between SE 50th and 90th Avenues that address multi-modal safety issues and support the redevelopment goals of the Lents Town Center Urban Renewal District. Improvements generally include restriping of the roadway, upgrades to two existing traffic signals, upgrades to pedestrian crossings at six locations, and widening of the sidewalks east of 82nd Ave.

To accomplish the Project set forth above, it is necessary to acquire the following property interests described and depicted in Exhibits 1 through 92, attached to this Ordinance and, by this reference incorporated herein.

All affected property owners have been contacted and informed as to the City’s need for certain private property rights related to completion of the Project. All affected property owners have been invited, by mailing, to attend the reading of this agenda item.

Financial and budgetary impacts:

Property values associated with the property acquisitions have not yet been quantified since negotiations are not completed; however, an estimate for the right of way phase has been budgeted in the Transportation Operating Fund. The level of confidence for the estimate is moderate. Funds are available in the Transportation Operating Fund Budget, FY 2016-2017 Budget, SAP #T00382.L46

This legislation does not affect staffing levels nor result in a new or modified financial obligation or benefit now or in the future.

If City Council does not approve the Ordinance, construction of the Project will not be feasible as planned, due to lack of property rights needed to make the improvements.

Community impacts and community involvement:

The 2014 update of the project plan, managed by Mauricio Leclerc of PBOT (x37808/Mauricio.leclerc@portlandoregon.gov), went through a 18 month public involvement process leading up to its adoption by City Council. A Stakeholder Advisory Committee made up of neighborhood, community and business interests was assembled to guide development of the Project recommendations, meeting 12 times over the course of the plan development process. Five open house events were held with a total attendance of approximately 450. Staff also provided Project updates and opportunities for public comment at a variety of other community based organization and events.

Fliers and mailings about open house events were sent to over 15,000 households and businesses in the Project area. Translations were available in Spanish, Russian and Vietnamese languages.

Overall support for the Project recommendations, which include reducing the number of travel lanes on the road to provide the space for pedestrian crossing improvements and bicycle facilities, has been demonstrated from both residential and business community members. Testimony at Council in 2014 indicated strong community based support for the Project. While more recently several businesses on Foster have put up window displays in opposition to the Project, the Foster Area Business Association and several of the adjacent neighborhood associations have reiterated their support for the Project.

Budgetary Impact Worksheet**Does this action change appropriations?**☐ **YES:** Please complete the information below.☒ **NO:** Skip this section

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

KK 10-11-16