

## IMPACT STATEMENT

**Legislation title:** Authorize the Bureau of Transportation to acquire certain temporary rights necessary for construction of the NE 47<sup>th</sup> Avenue Phase I LID project, through the exercise of the City's Eminent Domain Authority (Ordinance; C-10052)

**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 NE 47<sup>th</sup> Avenue Phase I LID (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 general scope of the Project improvement is to remove the existing dirt, gravel and/or hard surface, grade the street to its proper subgrade; construct a Portland Cement concrete street with an aggregate base; construct stormwater drainage facilities including stormwater planters; construct curbs, sidewalk and bike lanes on both sides of the street; plant street trees on both sides of the street, extend stormwater sewer, and install dry line sanitary sewer.

To accomplish the Project set forth above, it is necessary to acquire the following property interests described and depicted in Exhibits 1 through 14, 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 #T00539.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:**

Portland Parks and Recreation (“PPR”) contacted PBOT in May 2015 after PPR secured funding for its Whitaker Ponds park project, which is located in the underserved Cully neighborhood. Cully has long desired safe multimodal pedestrian and bicycle facilities to connect Cully to jobs and destinations in the Columbia Corridor in addition to Whitaker Ponds. PBOT was able to use its system development charge (SDC) revenue to bring the costs of the Project to affordable levels for NE 47th Avenue property owners.

The Project design is consistent with PBOT’s Vision Zero objectives, and is a model of capital improvement project (CIP) with the other City infrastructure bureaus, Bureau of Environmental Services (BES) and Portland Water Bureau (PWB). The Project will provide BES a means of cost-effectively extending stormwater sewer and sanitary sewer, and will provide PWB a cost-effective means of replacing and undersized century-old cast iron water main. Completion of the Project improvements will reduce the backlog of infrastructure deficiencies in Cully, where paved streets without curbs (like the existing NE 47th Avenue) are nearly 2 ½ times the Citywide average. Similarly, sidewalk coverage is less than half the Citywide average, despite having the only majority minority population in the City, which is particularly reliant upon sidewalk infrastructure for safe mobility.

Two (2) City Council hearings were held with unanimous testimony in favor of the Project, including ten (10) citizens testifying in favor and twelve (12) written letters of support, including from the Cully Association of Neighbors. Two (2) property owner meetings have also been held to date, with fliers and mailings sent to property owners abutting the improvements and Spanish translation offered during the meetings. The property was carefully scoped prior to Project formation to limit right-of-way acquisition from nondeveloping property owners, minimizing impacts to small businesses. There are two major encroachments in the right-of-way that are being collaboratively resolved with property owners and for which the City already has the necessary permanent easements, which are not being sought by this Ordinance.

**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

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