

PBOT

PORTLAND BUREAU OF TRANSPORTATION

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Dan Saltzman Commissioner Leah Treat Director

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December 7, 2017

To: City Council

From: Marty Maloney, PBOT

RE: Amendment request for Council Agenda Item 1350

Authorize the Bureau of Transportation to acquire certain ~~permanent and~~ temporary rights necessary for construction of the St. Johns Truck Strategy - Phase II project, through the exercise of the City's Eminent Domain Authority (Ordinance)

As stated at the 12/6 Council meeting, due to a property owner request to redesign a portion of the N. Lombard Avenue sidewalk frontage abutting their property, the proposed dedication and temporary construction easement affecting that property are not deemed necessary. The following amendments are requested:

1. Remove exhibit #25, 26, 27 & 28.

2. Add emergency clause to read:

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.



The Portland Bureau of Transportation fully complies with Title VI of the Civil Rights Act of 1964, the ADA Title II, and related statutes and regulations in all programs and activities. For accommodations, complaints and information, call (503) 823-5185, City TTY (503) 823-6868, or use Oregon Relay Service: 711.

IMPACT STATEMENT

Legislation title: Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the St. Johns Truck Strategy – Phase II 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 the St. Johns Truck Strategy – Phase II (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 character and scope of the Project is for construction of traffic calming features, pedestrian crossing improvements, sidewalk infill and bicycle safety improvements along the project parameters. The project will also realign certain intersections for safer turning movements.

To accomplish the Project set forth above, it is necessary to acquire the following property interests described and depicted in Exhibits 1 through 46, 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 2017-2018 Budget, SAP #T00453.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:

This project has undergone extensive public involvement and outreach, beginning with the St. Johns Truck Strategy (2001), St. Johns/Lombard Plan (2004) and the Portland Freight Master Plan (2006), and culminating in the St. Johns Truck Strategy Phase II public involvement process in 2011 and 2012. All of these community processes have identified the need for improvements to truck routing in St. Johns as well as the need to reduce non-local truck traffic on local streets. This project has the support of both neighborhood and freight stakeholder groups including the St. Johns Neighborhood Association and the City's modal advocacy committees - bicycle, freight and pedestrian.

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 11-2-17