

IMPACT STATEMENT

Legislation title: *Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the SE 80th Avenue and SE Mill Street LID 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 SE 80th Avenue and SE Mill Street 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 character and scope of the Project is to remove the existing dirt, gravel and/or hard surface; grade streets to their proper subgrade; construct asphaltic concrete streets with an aggregate base; construct stormwater drainage facilities consisting of sedimentation manholes and a sump system; construct sidewalks on both sides of the street; and plant street trees where appropriate.

To accomplish the Project set forth above, it is necessary to acquire the following property interests described and depicted in Exhibits 1 through 4, 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 #T00728.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:

Property owner outreach has been occurring since October 15, 2003, so this project has been very long in the making. The sole property from which we need to acquire property rights has only been involved recently, but the project manager, Andrew Aebi, met on-site with the property owner on December 7, 2017. The property owner is supportive of the project. The project manager previously held a meeting for neighboring property owners on September 18, 2017, in which he explained the project and its impacts to attendee's.

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