

IMPACT STATEMENT

Legislation title: Authorize the Bureau of Environmental Services ("BES") to acquire certain permanent and temporary property rights necessary for construction of the SW Capitol Hwy Stormwater Improvements Project through the exercise of the City's Eminent Domain Authority, BES Project No. E10939 (Ordinance)

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Purpose of proposed legislation and background information:

The purpose of the proposed legislation is to authorize the Bureau of Environmental Services (BES) to acquire certain permanent and temporary property rights, as described in Exhibit A through Exhibit V necessary for the construction of the SW Capitol Hwy Stormwater System Improvements (the "Project") through the exercise of the City's Eminent Domain Authority. Four regional stormwater facilities are proposed as part of the stormwater strategy for the Project. Two of the four regional stormwater facilities (North and South Multnomah Blvd facilities) require permanent and temporary property rights as described in the proposed legislation. The properties (Property ID's R329874 & R329950) adjacent to the south of the SW Multnomah Blvd right-of-way, between 45th and 40th Avenues, are required for the South Multnomah regional facility.

In addition, temporary construction easements and permanent easements are necessary at the properties adjacent to the South Multnomah regional stormwater facility including R330066, R329945, R104016, R582635 for construction staging, and to construct the maintenance access driveway and retaining wall.

A temporary access easement and a temporary construction easement as described in Exhibit A through Exhibit V is necessary for the construction of the North Multnomah regional stormwater facility along SW Multnomah Blvd ROW, west of SW 40th.

Regional stormwater facilities are proposed as part of a new comprehensive stormwater management system in coordination with the multi-agency SW Capitol Highway: Multnomah Village to West Portland Project. The proposed legislation supports the concept of centralized stormwater management strategies in Southwest Portland, an area of the City with soils that limit infiltration, perched aquifers with unpredictable subsurface flow, and landslide risk. BES has focused on designing four regional stormwater facilities because smaller Green Streets along the SW Capitol Highway corridor were removed from the project scope after the 30% design phase, resulting in a project savings of about \$1.4M in capital costs, and a total savings of over \$2.5M (100-year present worth value using capital, replacement, and maintenance costs).

It is the position of the BES Representative that public investments in infrastructure should place priority on maximizing overall impact to public health, safety, and welfare – when possible and appropriate – by looking for opportunities for additional improvements that may be incorporated into the overall project to provide added value beyond the footprint of the more limited project area, while still meeting overall project goals for levels of service. The project corridor is only 6.2 acres, but all four regional facilities together will treat and manage stormwater from a combined area of about 49 acres. About two-thirds of the additional treated areas are adjacent areas that drain onto the Capitol Highway project corridor and will be intercepted by the new collection system. The remaining third is comprised of areas adjacent to the corridor but drain directly to the location of one of the facilities. The acquisition of these properties

and easements provide for the placement of the proposed regional stormwater facilities and will allow for a maximized regional stormwater management approach.

Financial and budgetary impacts:

The cost of acquiring the needed properties will be determined by an independent appraisal during the Eminent Domain process. Current appraisal values the properties, R329874 & R329950 at \$145,000. Funds are available in the Sewer System Operating Fund, FY 2019/20 Budget, Bureau of Environmental Services WBS E10939.L65.

Current appraisal values of the adjacent properties requiring temporary and permanent property rights are not currently available. Funds are available in the Sewer System Operation Fund, FY 2019/20 Budget, Bureau of Environmental Services WBS E10939.L65.

The proposed legislation will not create, eliminate or re-classify any positions now or in the future. BES Construction Services Division, supported by BES Engineering Services and the design Engineer of Record (EOR), will manage the construction contract.

Community impacts and community involvement:

Four properties, as depicted in Exhibit A through Exhibit V, adjacent to the proposed Garden Home construction access point will be affected and will require easements for construction staging and to build an approximately 12-ft wide, 280-ft construction and maintenance access driveway. The contract documents will require the selected Contractor to restore all affected areas that are disrupted along adjacent properties. The City will remove a dilapidated shed, which is adjacent to the proposed driveway, at 4157 SW Garden Home Rd. An existing retaining wall SW 40th Ave "Village at Multnomah Condominiums" (R582635) will be replaced to construct the driveway.

The South Multnomah Regional Stormwater facility is sited on two undeveloped parcels (R329874 & R329950). BES has had ongoing conversations with the property owner throughout the design of the project.

A temporary access easement and a temporary construction easement from the United States Postal Service as described in Exhibit A through Exhibit V are necessary for the construction of the North Multnomah regional stormwater facility along SW Multnomah Blvd ROW, west of SW 40th.

BES staff has discussed the proposed project with all seven property owners over the course of the last two years. All continued outreach will be coordinated with BES Public Involvement and PBOT to coordinate schedules, obtain access, and easements to these properties.

The *SW Capitol Highway: Multnomah Village to West Portland* project has had an extensive community involvement process through a coordinated PBOT, BES, and PWB effort.

The City will require the construction contractor to install and maintain construction fencing around active construction areas. During evenings and other non-work hours the active construction zone will be fenced and secured.

The City will require the construction contractor to provide adequate traffic flaggers to separate construction traffic and other right-of-way traffic during any construction activities on or near the Garden Home construction entrance location.

We do not anticipate that any individuals or groups will be testifying with regard to this proposed legislation. The specific location for this ordinance is not impacting the general public.

100% Renewable Goal:

The acquisition of property rights does not increase or decrease the City's total energy use or renewable energy use.

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