

IMPACT STATEMENT

Legislation title: *Authorize the Bureau of Transportation to acquire certain temporary rights necessary for construction of the Errol Heights Street and Local Improvement District through the exercise of the City's Eminent Domain Authority (Ordinance; C-10064)

Contact name: Marty Maloney, PBOT Right of Way Acquisition

Contact phone: 503-865-6342

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 Errol Heights Street Improvement Project will pave the neighborhood's gravel streets, add sidewalks to the two main east-west routes through the neighborhood, add street lights, address drainage issues, and improve water quality in Johnson Creek.

To accomplish the Project set forth above, it is necessary to acquire the following property interests described and depicted in Exhibits 1 through 8, 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 2020-2021 Budget, SAP #T00526.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 Bureau of Transportation (PBOT) first proposed a Local Improvement District (LID) in Errol Heights in 2008 to construct full street improvements.
- In 2012 the Street by Street program was created by City Council to support lower-cost, location-sensitive improvements to unimproved or unpaved streets in single family residential areas
- A community open house presentation occurred on December 22, 2020.
- Valid petitions for a new LID from owners of properties within the proposed Errol Heights Local Improvement District were filed with PBOT.

Budgetary Impact Worksheet**Does this action change appropriations?**

☐ **YES:** Please complete the information below.

☒ **NO:** Skip this section

mjc 1-7-2020