

## IMPACT STATEMENT

**Legislation title:** \*Authorize the Bureau of Transportation to acquire certain permanent and temporary rights necessary for construction of the NE 97th Ave Phase II and NE Couch – Davis Local Improvement District projects through the exercise of the City’s Eminent Domain Authority (Ordinance; C-10067; C-10068)

**Contact name:** Marty Maloney, PBOT Right of Way Acquisition

**Contact phone:** 503-865-6342

**Presenter name:** Andrew Aebi and 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 NE 97th Ave Phase II and NE Couch – Davis Local Improvement District Projects (the “Projects”) will remove the existing asphaltic concrete, dirt and gravel; grade streets to their proper subgrade; construct an asphaltic concrete street with an aggregate base, construct stormwater drainage facilities; construct sidewalks and plant street trees on both sides of the newly formed sections of NE Couch Street and NE Davis Street as well as the existing identified section of NE 97<sup>th</sup> Avenue. In addition, the Projects will also replace the Interstate 205 multiuse path, following ODOT approval, and construct mast arm traffic signal improvements.

To accomplish the Projects set forth above, it is necessary to acquire the following property interests described and depicted in Exhibits 1 through 56, 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 Projects. 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 low.

Funds are available in the FY 2021-2022 Transportation Operating Fund Budget, SAP #T00903. Funding sources for the project include Prosper Portland and Transportation System Development Charges in addition to LID sources.

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:**

- The Projects were petitioned, and property owners were notified of the 2019 council action to form the LID.
- Community meetings have been held with property owners in the Projects areas.
- The Project Manager for both projects has spoken with each affected property owner from whom permanent and temporary easement will be needed about the project needs.

**Budgetary Impact Worksheet**

**Does this action change appropriations?**

- YES:** Please complete the information below.  
 **NO:** Skip this section

mjc 5-24-2021