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Ordinance

Authorize Bureau of Environmental Services to acquire certain permanent and temporary rights necessary for construction of the Oak Basin A – Sandy Blvd Trunk Project through exercise of the City's eminent domain authority

Passed

The City of Portland ordains.

Section 1. The Council finds:

1. The City may exercise the power of eminent domain pursuant to Section 9-108 of the City Charter when deemed necessary by the Council to accomplish public purposes for which the City has responsibility, provided that power is exercised in accordance with the eminent domain procedures established by Oregon Revised Statutes Chapter 35 (Eminent Domain; Public Acquisition of Property), including those procedures that apply to notification, valuation, negotiation, relocation, and early possession, if necessary.
2. The City has the responsibility to provide sewage and stormwater collection and treatment services to accommodate the City's current and future needs and to protect public health, water quality and the environment.
3. The Bureau of Environmental Services' (BES) project known as Oak Basin A – Sandy Blvd Trunk Project (the Project) has been planned in accordance with appropriate engineering standards for the construction, maintenance, or improvement of the City's sewer infrastructure in a way that minimizes property damage, promotes healthy ecosystems, safeguards the environment, and is the most compatible with the greatest public good and the least private injury.
4. The Project will result in the design and construction of a new sewer main pipe in the Kerns Neighborhood. The new 48-inch sewer main will run along NE Davis Street between NE 12th Avenue and NE 16th Avenue, then it will run north of NE Sandy Boulevard between NE 16th Avenue and NE 26th Avenue, and then NE Sandy Boulevard between NE 26th Avenue to NE 30th Avenue. In addition, the project will upsize sewer main pipe in NE Sandy Boulevard and north/south of NE Davis and NE Sandy Boulevard between NE 14th Avenue and NE 31st

Document number

2025-029

Introduced by

[Mayor Keith Wilson](#)

City department

[Environmental Services](#)

Contact

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Requested Agenda Type

Consent

Date and Time Information

Requested Council Date

March 5, 2025

Avenue. These improvements will increase sewer capacity, relieve sewer backups, and reduce street flooding.

5. To accomplish the Project's goals set forth above and to construct the Project as designed, the City must acquire the property interests described and depicted in Exhibits 1 through 47 attached to this Ordinance, and by this reference incorporated herein.
6. The City must acquire possession of these property interests by August 30, 2025, so construction of the Project can begin on schedule.
7. The Bureau's level of confidence in the cost estimates for the Project is moderate. Funds are available in the Sewer System Operating Fund, FY 2024-2025 Budget, BES Project No. E10900.
8. 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.

NOW, THEREFORE, the Council directs:

- A. That the Director of BES or designee and the City Attorney are each authorized to acquire the necessary property interests described herein for the Project under the eminent domain authority of the City, including filing an action to acquire said property interests or negotiating just compensation with property owners within available project budget funds. The Director of BES or designee and the City Attorney are each further authorized to enter into obligations agreements with property owners to address construction management concerns within available Project budget funds.
- B. That the power of eminent domain is hereby exercised with respect to each of the interests in property described and depicted in Exhibits 1 through 47. Each is acquired subject to payment of just compensation and subject to the procedural requirements of Oregon law.
- C. That BES staff and the Office of the City Attorney are authorized to compensate property owners and other persons-in-interest for each acquisition. In the event that no satisfactory compensation agreement can be reached, the City may commence and prosecute such condemnation proceedings as may be necessary to finally determine just compensation or any other issue appropriate to be determined by a court in connection with the acquisition. This authorization is not intended to expand the jurisdiction of any court to decide matters determined or determinable by the City Council.
- D. That BES is authorized to determine the continuing necessity or propriety of the acquisition authorized by this Ordinance, its quantity, quality, or locality, and to reduce or abandon any acquisition described and depicted in Exhibits 1 through 47.
- E. That a fund is created in the amount estimated to be the just compensation for each interest in the property, which, if necessary,

shall be deposited with the clerk of the court where an action is commenced.

F. That the costs incurred in connection with the acquisition authorized herein shall be charged to the Sewer System Operating Fund, FY 2024-2025 Budget, BES Project No. E10900.

G. That the City Administrator and the Auditor are hereby authorized to pay for the property rights from the Sewer System Operating Fund Budget when demand is presented and approved by the proper authority.

Exhibits and Attachments

 [Exhibits 1-47](#) 6.24 MB

 [Presentation](#) 6.46 MB

An ordinance when passed by the Council shall be signed by the Auditor. It shall be carefully filed and preserved in the custody of the Auditor (City Charter Chapter 2 Article 1 Section 2-122)

Passed by Council
March 5, 2025

Auditor of the City of Portland
Simone Rede

Impact Statement

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 Exhibits 1 through 47, for the installation of a new 48-inch sewer main along NE Davis Street between NE 12th Avenue and NE 16th Avenue, then it will run north of NE Sandy Boulevard between NE 16th Avenue and NE 26th Avenue, and then NE Sandy Boulevard between NE 26th Avenue to NE 30th Avenue. In addition, the project will upsize sewer main pipes in NE Sandy Boulevard and north/south of NE Davis and NE Sandy Boulevard between NE 14th Avenue and NE 31st Avenue.

Easements will be acquired from a total of eighteen (18) properties, which include seven (7) permanent easements and sixteen (16) temporary construction easements. The easements are needed for the construction of ADA ramps which will need to be upgraded as part of the project.

Financial and Budgetary Impacts

The cost of acquiring the needed property rights will be determined by PBOT during the Eminent Domain process. Funds are available in the Sewer System Operating Fund, FY 2024-2025 Budget, Bureau of Environmental Services WBS E10900.

The proposed legislation will not create, eliminate, or re-classify and positions now or in the future.

Economic and Real Estate Development Impacts

Not applicable

Community Impacts and Community Involvement

The Oak Basin A – Sandy Blvd Trunk Project is publicly known as the Sandy Boulevard Sewer and Stormwater Project. The project includes work on and near heavily traveled roads, bike and bus routes, parks, and schools withing the Kerns Neighborhood. Night work is expected at the intersection of Sandy Boulevard and NE 20th Avenue.

Since 2022, Environmental Services has conducted broad community outreach regarding the goals of the project and what to expect during construction. Outreach has included:

- Develop and maintain the project webpage.
- Project updates mailed to 3,966 property owners, renters, businesses, and public and private agencies.
- Email updates to the project email list including 1,107 email recipients.
- Project updates posted to NextDoor.com subscribers in the Kerns neighborhood including approximately 5000 recipients.
- Focused door to door outreach to businesses adjacent to sewer pipe work.
- Focused outreach regarding night work to property owner and tenants within a two-block radius of Sandy Boulevard and NE 20th Avenue.
- Situational email, mail, and phone correspondence to answer community questions, take input, and address concerns.

Generally, the public supports the goals of the project and is primarily interested in staying informed regarding the schedule and construction impacts. Primary concerns of businesses include maintaining access to driveways, garages, parking lots, and loading docks, and coordinating with BES to minimize impacts to normal business operations.

Future outreach will include additional project update noticing, focused outreach to property owners regarding property access and easement needs, and coordination with business next to construction areas. Matt Gough, Environmental Services, has been the contact for Community

Outreach and Public Involvement throughout design and will remain the contact throughout construction.

100% Renewable Goal

Not applicable

Financial and Budget Analysis

The Bureau of Environmental Services (BES) will acquire necessary property rights for the Oak Basin A – Sandy Blvd Trunk Project using eminent domain, with funds allocated from the Sewer System Operating Fund in the FY 2024-2025 budget. The cost of acquiring these rights will be determined through the eminent domain process.

Document History

Document number: 2025-029

Agenda	Council action
February 19, 2025 Consent Agenda City Council	Passed to second reading Passed to second reading March 5, 2025 at 9:30 a.m.
March 5, 2025 Consent Agenda City Council	Passed Aye (11): Avalos, Dunphy, Smith, Kanal, Koyama Lane, Morillo, Novick, Clark, Green, Zimmerman, Pirtle-Guiney Absent (1): Ryan