

ORDINANCE No. 183457

*Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the North St. Johns Truck and Pedestrian Improvement Project through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The City of Portland Bureau of Transportation has initiated a project that implements elements of the St Johns Truck Strategy and the St Johns Lombard Plan to improve freight mobility and pedestrian safety within the St Johns town center. The project will improve turning radii and signal system efficiency along the designated freight route and provide curb extensions to improve pedestrian crossing safety.
2. The St Johns Pedestrian and Freight Project requires acquisition of certain private property interests to implement the engineering and construction requirements of the project.
3. Acquisition efforts will be completed 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.
4. It is necessary to acquire possession of the permanent and temporary easements by September 9 2010, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2009-2010 Budget, Project Number 62146, SAP #T00018.L42

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and Auditor are authorized to acquire necessary permanent easements for the St Johns Pedestrian Freight Project under the Eminent Domain Authority of the City, including filing an action to acquire the property interests described herein or negotiating just compensation with property owners within available project budget funds.
- b. There is hereby authorized the creation of a fund 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.
- c. The costs incurred in connection with the acquisition authorized herein shall be charged to the St Johns Pedestrian Freight Project.

- d. The property affected by this ordinance are described as follows:

R/W 7159-01 (Right of Way Dedication)

A portion of Lots 7 and 8, Block 5, *CHAPMAN'S ADDITION*, situated in the southwest one-quarter of Section 01, T1N, R1W, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Commencing at the most northerly corner of said Lot 7; thence S 32° 38' 22" E, along the southwesterly line of N Lombard Street, a distance of 28.30 feet, to the True Point of Beginning of the tract herein described; thence S 32° 38' 22" E, a distance of 21.70 feet; thence S 23° 55' 13" E, a distance of 8.67 feet; thence along the arc of a 112.00 foot radius curve to the right, through a central angle of 03° 42' 14", an arc distance of 7.24 feet (the chord bears S 21° 30' 56" E, 7.24 feet); thence along the arc of a 32.00 foot radius curve to the right, through a central angle of 56° 48' 00", an arc distance of 31.72 feet (the chord bears S 08° 45' 28" W, 30.44 feet); thence along the arc of a 192.00 foot radius curve to the right, through a central angle of 09° 54' 19", an arc distance of 33.19 feet (the chord bears S 42° 06' 21" W, 33.15 feet); thence N 42° 56' 31" W, a distance of 1.00 feet; thence along the arc of a non tangent, 66.00 foot radius curve to the left, through a central angle of 75° 18' 25", an arc distance of 86.75 feet (the chord bears N 09° 24' 21" E, 80.64 feet); thence N 32° 38' 22" W, a distance of 8.07 feet; thence N 57° 21' 38" E, a distance of 1.00 feet, to the True Point of Beginning. Contains 428 square feet.

R/W 7159-01 (Temporary Construction Easement)

A portion of Lots 7 and 8, Block 5, *CHAPMAN'S ADDITION*, situated in the southwest quarter of Section 01, T1N, R1W, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Commencing at the most northerly corner of said Lot 7; thence S 32° 38' 22" E, along the southwesterly line of N Lombard Street, a distance of 26.30 feet, to the True Point of Beginning of the tract herein described; thence S 32° 38' 22" E, a distance of 2.00 feet; thence S 57° 21' 38" W, a distance of 1.00 feet; thence S 32° 38' 22" E, a distance of 8.07 feet; thence along the arc of a 66.00 foot radius curve to the right, through a central angle of 75° 18' 25", an arc distance of 86.75 feet (the chord bears S 09° 24' 21" W, 80.64 feet); thence S 42° 56' 31" E, a distance of 1.00 feet; thence along the arc of a non tangent, 192.00 foot radius curve to the right, through a central angle of 06° 19' 15", an arc distance of 21.18 feet (the chord bears S 50° 13' 07" W, 21.17 feet); thence S 57° 25' 05" W, a distance of 3.01 feet; thence N 36° 37' 15" W, a distance of 5.82 feet; thence along the arc of a non tangent, 186.00 foot radius curve to the left, through a central angle of 07° 14' 42", an arc distance of 23.52 feet (the chord bears N 50° 40' 55" E, 23.50 feet); thence along the arc of a 61.00 foot radius curve to the left, through a central angle of 30° 34' 27", an arc distance of 32.55 feet (the chord bears N 31° 46' 38" E, 32.17 feet); thence N 03° 56' 43" E, a distance of 26.49 feet; thence along the arc of a 61.00 foot radius curve to the left, through a central angle of 28° 45' 54", an arc distance of 30.62 feet (the chord bears N 22°

58° 24" W, 30.31 feet); thence N 57° 21' 38" E, a distance of 6.01 feet, to the True Point of Beginning. Contains 636 square feet.

R/W 7159-02 (Right of Way Dedication)

A portion of Lot 2, Block 43, *JAMES JOHNS' ADDITION TO THE TOWN OF ST. JOHNS*, recorded August 22, 1870, situated in the southwest quarter of Section 01, T1N, R1W, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the most northerly corner of said Lot 2; thence S 32° 34' 55" E, along the northeasterly line of said Lot, a distance of 1.00 feet; thence S 57° 25' 05" W, 39.00 feet; thence along the arc of a 60.00 foot radius curve to the left, through a central angle of 90° 57' 18", an arc distance of 95.25 feet (the chord bears S 11° 56' 29" W, 85.55 feet); thence S 57° 25' 05" W, a distance of 1.01 feet, to the northeasterly line of N Ivanhoe Street; thence N 32° 34' 55" W, along the northeasterly line of N Ivanhoe street, a distance of 15.76 feet; thence along the arc of a 112.00 foot radius curve to the right, through a central angle of 08° 28' 02", an arc distance of 16.55 feet (the chord bears N 23° 58' 39" W, 16.54 feet); thence along the arc of a 32.00 foot radius curve to the right, through a central angle of 56° 48' 00", an arc distance of 31.72 feet (the chord bears N 08° 39' 20" E, 30.44 feet); thence along the arc of a 192.00 foot radius curve to the right, through a central angle of 07° 15' 34", an arc distance of 24.33 feet (the chord bears N 40° 41' 02" E, 24.31 feet); thence N 57° 25' 05" E, a distance of 54.18 feet, to the Point of Beginning. Contains 477 square feet.

R/W 7159-02 (Temporary Construction Easement)

A portion of Lot 2, Block 43, *JAMES JOHNS' ADDITION TO THE TOWN OF ST. JOHNS*, recorded August 22, 1870, situated in the southwest quarter of Section 01, T1N, R1W, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Commencing at the most northerly corner of said Lot 2; thence S 32° 34' 55" E, along the northeasterly line of said lot, a distance of 1.00 feet, to the True Point of Beginning of the tract herein described; thence continuing S 32° 34' 55" E along said northeasterly line, a distance of 5.00 feet; thence S 57° 25' 05" W, 39.00 feet; thence along the arc of a 55.00 foot radius curve to the left, through a central angle of 93° 07' 36", an arc distance of 89.40 feet (the chord bears S 10° 51' 18" W, 79.88 feet); thence S 57° 25' 05" W, a distance of 6.08 feet, to the northeasterly line of N Ivanhoe Street; thence N 32° 34' 55" W, along the northeasterly line of N Ivanhoe street, a distance of 2.00 feet; thence S 57° 25' 05" E, a distance of 1.01 feet; thence along the arc of a non tangent, 60.00 foot, radius curve to the right, through a central angle of 90° 57' 18", an arc distance of 95.25 feet (the chord bears N 11° 56' 29" E, 85.55 feet); thence N 57° 25' 05" E, a distance of 39.00 feet, to the True Point of Beginning. Contains 664 square feet.

R/W 7159-03 (Right of Way Dedication)

A portion of Lot 4, Block 38, *JAMES JOHNS' ADDITION TO THE TOWN OF ST. JOHNS*, recorded August 22, 1870, situated in the northwest quarter of Section 12, T1N, R1W, W.M., in

the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the most northerly corner of said Lot 4; thence S 32° 34' 55" E, a distance of 78.00 feet; thence S 12° 25' 05" W, 31.11 feet; thence S 57° 25' 05" W, 41.00 feet; thence N 32° 34' 55" W, 1.01 feet; thence N 57° 25' 05" E, a distance of 10.00 feet; thence along the arc of a 49.00 foot radius curve to the left, through a central angle of 88° 49' 50", an arc distance of 75.97 feet (the chord bears N 11° 50' 02" E, 68.59 feet); thence N 32° 34' 55" W, a distance of 39.64 feet; thence along the arc of a 11.00 foot radius curve to the right, through a central angle of 35° 48' 29", an arc distance of 6.87 feet (the chord bears N 14° 40' 39" W, 6.76 feet); thence along the arc of a 9.00 foot radius curve to the left, through a central angle of 27° 14' 45", an arc distance of 4.28 feet (the chord bears N 10° 23' 47" W, 4.24 feet) to the common line between said Lot 4 and Lot 3 of said Block 38; thence N 57° 25' 05" E, along said common line, a distance of 1.32 feet, to the Point of Beginning. Contains 815 square feet.

R/W 7159-03 (Right of Way Dedication)

A portion of Lot 3, Block 38, *JAMES JOHNS' ADDITION TO THE TOWN OF ST. JOHNS*, recorded August 22, 1870, situated in the northwest quarter of Section 12, T1N, R1W, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the most northerly corner of Lot 4 of said Block 38; thence S 57° 25' 05" W, along the common line between said Lot 4 and Lot 3, a distance of 1.32 feet; thence along the arc of a non tangent, 9.00 foot radius curve to the left, through a central angle of 08° 33' 45", an arc distance of 1.35 feet (the chord bears N 28° 18' 02" W, 1.34 feet); thence N 32° 34' 55" W, a distance of 5.05 feet; thence N 57° 25' 05" E, a distance of 1.22 feet, to the southwest line of N Ivanhoe Street; thence S 32° 34' 55" E, along the southwest line of N Ivanhoe Street, a distance of 6.39 feet, to the Point of Beginning. Contains 7.8 square feet.

R/W 7159-03 (Temporary Construction Easement)

A portion of Lot 3, Block 38, *JAMES JOHNS' ADDITION TO THE TOWN OF ST. JOHNS*, recorded August 22, 1870, situated in the northwest quarter of Section 12, T1N, R1W, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Commencing at the most northerly corner of said Lot 4; thence S 57° 25' 05" W, along the common line between said Lot 3 and Lot 4 a distance of 1.32 feet, to the True Point of Beginning of the tract herein described; thence S 57° 25' 05" W, a distance of 5.13 feet; thence along the arc of a non tangent, 4.00 foot radius curve to the left, through a central angle of 25° 51' 34", an arc distance of 1.81 feet (the chord bears N 25° 57' 39" W, 1.79 feet); thence N 32° 34' 55" W, a distance of 6.61 feet; thence N 57° 25' 05" E, a distance of 6.24 feet, to the southwest line of N Ivanhoe Street; thence S 32° 34' 55" E, along the southwest line of N Ivanhoe Street, a distance of 2.00 feet; thence S 57° 25' 05" W, a distance of 1.22 feet; thence S 32° 34' 55" E, a distance of 5.05 feet; thence along the arc of a 9.00 foot radius curve to the right, through a central angle of 08° 33' 45", an arc distance of 1.35 feet (the chord bears S 28° 18' 02" E, 1.34 feet), to the True Point of Beginning. Contains 45 square feet.

R/W 7159-03 (Temporary Construction Easement)

A portion of Lot 4, Block 38, *JAMES JOHNS' ADDITION TO THE TOWN OF ST. JOHNS*, recorded August 22, 1870, situated in the northwest quarter of Section 12, T1N, R1W, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Commencing at the most northerly corner of said Lot 4; thence S 57° 25' 05" W, along the common line between said Lot 4 and Lot 3 of said Block 38, a distance of 1.32 feet, to the True Point of Beginning of the tract herein described; thence along the arc of a non tangent, 9.00 foot radius curve to the right, through a central angle of 27° 14' 45", an arc distance of 4.28 feet (the chord bears S 10° 23' 47" E, 4.24 feet); thence along the arc of a 11.00 foot radius curve to the left, through a central angle of 35° 48' 29", an arc distance of 6.87 feet (the chord bears S 14° 40' 39" E, 6.76 feet); thence S 32° 34' 55" E, a distance of 39.64 feet; thence along the arc of a 49.00 foot radius curve to the right, through a central angle of 88° 49' 50", an arc distance of 75.97 feet (the chord bears S 11° 50' 02" W, 68.59 feet); thence S 57° 25' 05" W, a distance of 10.00 feet; thence S 32° 34' 55" E, a distance of 1.01 feet; thence S 57° 25' 05" W, a distance of 2.00 feet; thence N 32° 34' 55" W, a distance of 6.01 feet; thence N 57° 25' 05" E, a distance of 11.95 feet; thence along the arc of a 44.00 foot radius curve to the left, through a central angle of 23° 36' 08", an arc distance of 18.13 feet (the chord bears N 44° 22' 45" E, a distance of 18.00 feet); thence N 00° 00' 00" E, a distance of 47.39 feet; thence N 32° 34' 55" W, a distance of 39.64 feet; thence along the arc of a 16.00 foot radius curve to the right, through a central angle of 35° 48' 28", an arc distance of 10.00 feet (the chord bears N 14° 40' 39", 9.84 feet); thence along the arc of a 4.00 foot radius curve to left, through a central angle of 16° 15' 27", an arc distance of 1.14 feet (the chord bears N 04° 54' 08" W, 1.13 feet), to the common line between said Lot 4 and Lot 3 of said Block 38 ; thence N 57° 25' 05" E, along said common line, a distance of 5.13 feet, to the True Point of Beginning. Contains 899 square feet.

Section 2. The Council declares that an emergency exists because delay in property acquisition at this location may result in a delay in construction and impact the overall project completion; therefore, this ordinance shall be in full force and effect from and after its passage by the Council.

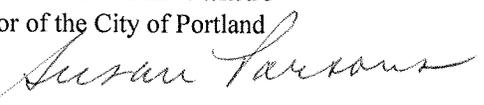
Passed by the Council, JAN 13 2010

Mayor Sam Adams
Prepared by: Marty Maloney, slg
Date Prepared: December 28, 2009

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Agenda No.
ORDINANCE NO.

183457

Title

*Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the North St. Johns Truck and Pedestrian Improvement Project through the exercise of the City's Eminent Domain Authority (Ordinance)

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| <p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS</p> | <p>CLERK USE: DATE FILED <u>JAN 08 2010</u></p> |
| <p>COMMISSIONER APPROVAL <i>Attended for Mayor Adams</i> Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p> | <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p> |
| <p>BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other:</p> | <p>ACTION TAKEN:</p> |
| <p>Financial Impact Statement Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/> Not Required <input type="checkbox"/></p> | |
| <p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document. Yes <input type="checkbox"/> No <input checked="" type="checkbox"/></p> | |
| <p>Council Meeting Date January 13, 2010</p> | |
| <p>City Attorney Approval <i>[Signature]</i></p> | |

AGENDA

TIME CERTAIN
Start time: _____

Total amount of time needed: _____
(for presentation, testimony and discussion)

CONSENT

REGULAR
Total amount of time needed: _____
(for presentation, testimony and discussion)

| FOUR-FIFTHS AGENDA | COMMISSIONERS VOTED AS FOLLOWS: | |
|--------------------|---------------------------------|------|
| | YEAS | NAYS |
| 1. Fritz | 1. Fritz ✓ | |
| 2. Fish | 2. Fish ✓ | |
| 3. Saltzman | 3. Saltzman _____ | |
| 4. Leonard | 4. Leonard ✓ | |
| Adams | Adams ✓ | |