

ORDINANCE No.

183470

*Authorize the Bureau of Transportation to acquire certain temporary easements necessary for construction of the Umatilla Street / Tenino Culvert Replacement 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 will be replacing culverts between Umatilla Street and Tenino Street. The Umatilla Street / Tenino Culvert Replacement project is needed to better fish passage through the project area.
2. The Umatilla Street and Tenino Culvert Replacement 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 temporary easements by June 10, 2010, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2009-2010 Budget, Project Number 62266, SAP #T00136.L42

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and Auditor are authorized to acquire necessary temporary easements for the Umatilla Street and Tenino Culvert Replacement 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 Umatilla Street and Tenino Culvert Replacement Project.
- d. The property affected by this ordinance are described as follows:

R/W 7152-01 (Temporary Construction Easement)

A PORTION OF LOT 13, BLOCK 107, TOWN OF SELLWOOD, AS DESCRIBED IN DOCUMENT NO. 2002-053157, MULTNOMAH COUNTY RECORDS, SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF LOT 13, BLOCK 107, TOWN OF SELLWOOD; THENCE S. 88° 25' 20" E. ALONG THE SOUTH LINE OF SAID LOT 13, A DISTANCE OF 71.05 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED; THENCE N. 01° 34' 40" E., PARALLEL WITH THE WEST LINE OF SAID LOT 13, A DISTANCE OF 38.36 FEET TO A POINT; THENCE S. 88° 25' 20" E. , PARALLEL WITH THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 16.54 FEET TO THE CENTERLINE OF CRYSTAL SPRINGS CREEK; THENCE S. 05° 57' 33" E. ALONG SAID CENTERLINE A DISTANCE OF 9.26 FEET TO AN ANGLE POINT; THENCE S. 04° 18' 44" E. ALONG SAID CENTERLINE A DISTANCE OF 12.13 FEET TO AN ANGLE POINT; THENCE S. 18°18' 30" E. ALONG SAID CENTERLINE A DISTANCE OF 12.43 FEET TO AN ANGLE POINT; THENCE S. 11° 22' 25" E. ALONG SAID CENTERLINE A DISTANCE OF 5.57 FEET TO A POINT ON THE SOUTH LINE OF LOT 13, BLOCK 107, TOWN OF SELLWOOD; THENCE N. 88° 25' 20" W. ALONG SAID SOUTH LINE A DISTANCE OF 24.48 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 755 SQUARE FEET, MORE OR LESS.

R/W 7152-01 (Temporary Construction Easement)

A PORTION OF LOT 13, BLOCK 107, TOWN OF SELLWOOD, AS DESCRIBED IN DOCUMENT NO. 2002-053157, MULTNOMAH COUNTY RECORDS, SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF LOT 13, BLOCK 107, TOWN OF SELLWOOD; THENCE S. 88° 25' 20" E. ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 58.00 FEET TO THE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED; THENCE CONTINUING S. 88° 25' 20" E. ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 13.05 FEET TO A POINT; THENCE S. 01° 34' 40" W., PARALLEL WITH THE WEST LINE OF SAID LOT 13, A DISTANCE OF 30.00 FEET TO A POINT; THENCE N. 88° 25' 20" W. , PARALLEL WITH THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 13.05 FEET TO A POINT; THENCE N. 01° 34' 40" E., PARALLEL WITH THE WEST LINE OF SAID LOT 13, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 392 SQUARE FEET, MORE OR LESS.

7152-02 (Temporary Construction Easement)

A PORTION OF LOT 13, BLOCK 107, TOWN OF SELLWOOD, AS DESCRIBED IN DOCUMENT NO. 2000-036720, MULTNOMAH COUNTY RECORDS, SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 23, TOWNSHIP 1 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN THE CITY OF PORTLAND, COUNTY OF MULTNOMAH AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF LOT 13, BLOCK 107, TOWN OF SELLWOOD; THENCE N. 01° 34' 40" E. ALONG THE EAST LINE OF SAID LOT 13, A DISTANCE OF 38.36 FEET TO A POINT; THENCE N. 88° 25' 20" W. , PARALLEL WITH THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 12.41 FEET TO THE CENTERLINE OF CRYSTAL SPRINGS CREEK; THENCE S. 05° 57' 33" E. ALONG SAID CENTERLINE A DISTANCE OF 9.26 FEET TO A ANGLE POINT; THENCE S. 04° 18' 44" E. ALONG SAID CENTERLINE A DISTANCE OF 12.13 FEET TO AN ANGLE POINT; THENCE S. 18° 18' 30" E. ALONG SAID CENTERLINE A DISTANCE OF 12.43 FEET TO AN ANGLE POINT; THENCE S. 11° 22' 25" E. ALONG SAID CENTERLINE A DISTANCE OF 5.57 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT 13, BLOCK 107, TOWN OF SELLWOOD; THENCE S. 88°25'20"E. ALONG SAID SOUTH LINE A DISTANCE OF 4.47 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 355 SQUARE FEET, MORE OR LESS.

7152-03 (Temporary Construction Easement)

The environmental resource tract is described as Tract A as shown on Partition Plat No. 2006-103 a recorded plat in Multnomah County, approved by City of Portland land use review LU 04-030963 LDP DZM

Containing an area of 1,882 Square Feet, More or Less.

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,

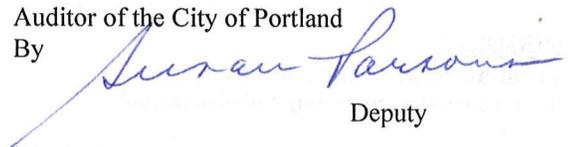
JAN 20 2010

Mayor Sam Adams
Prepared by: Marty Maloney, slg
Date Prepared: January 20, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By



Deputy

Agenda No. **ORDINANCE NO. 183470**
Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS</p> <p>COMMISSIONER APPROVAL <i>Comments 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>BUREAU APPROVAL Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: <i>off</i></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 20, 2010</p> <p><input checked="" type="checkbox"/> City Attorney Approval</p>	<p>CLERK USE: DATE FILED <u>JAN 14 2010</u></p> <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p>ACTION TAKEN:</p>
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AGENDA
<p>TIME CERTAIN <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>
<p>CONSENT <input checked="" type="checkbox"/></p>
<p>REGULAR <input type="checkbox"/></p> <p>Total amount of time needed: _____ (for presentation, testimony and discussion)</p>

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 _____	