

ORDINANCE No. 183542

*Authorize the Bureau of Transportation to acquire certain temporary easements necessary for construction of the Safe Routes to School 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 pedestrian and bicycle safety improvements to eleven elementary schools city wide. The project improvements will include sidewalk infill, curb extensions, median refuge islands, countdown pedestrian signal heads and curb ramps.
2. The Safe Routes to School 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 April 27th, 2010, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2009-2010 Budget, Project Number 32321, SAP #T00135.L46

NOW, THEREFORE, the Council directs:

- a. That the Commissioner-in-Charge and Auditor are authorized to acquire necessary temporary easements for the Safe Routes to School 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 Safe Routes to School Project.

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

R/W 7172-01 (Temporary Construction Easement)

A portion of Lot 5, Block 1, *JORDAN'S ADDITION*, recorded August 8, 1910, Multnomah County Plat Records, situated in the northwest quarter of Section 21, T1S, R2E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the southeast corner of said Lot 5, Block 1, *JORDAN'S ADDITION*, on the west line of SE 92nd Avenue and the north line of SE Cooper Street; thence N 86° 23' 49" W, along the north line of SE Cooper Street, a distance of 7.87 feet; thence N 03° 36' 11" E, a distance of 1.00 feet; thence S 86° 23' 49" E, parallel with the north line of SE Cooper Street, a distance of 6.83 feet; thence N 01° 24' 48" E, parallel with the west line of SE 92nd Avenue, a distance of 8.61 feet; thence S 88° 35' 12" E, a distance of 1.00 feet, to the west line of SE 92nd Avenue; thence S 01° 24' 48" W, along the west line of SE 92nd Avenue, a distance of 9.65 feet, to the Point of Beginning.

Contains 16.5 square feet.

R/W 7172-2 (Temporary Construction Easement)

A portion of Parcel 1, Partition Plat 1990-72, recorded October 5, 1990, Multnomah County Plat Records, situated in the northeast quarter of Section 21, T1S, R2E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the northwest corner of Parcel 1, Partition Plat 1990-72, on the east line of SE 92nd Avenue; thence S 01° 24' 48" W, along the west line of SE 92nd Avenue, a distance of 57.83 feet; thence S 88° 35' 12" E, a distance of 1.00 feet; thence N 01° 24' 48" E, parallel with the east line of SE 92nd Avenue, a distance of 57.82 feet, to the north line of said Parcel 1; thence N 88° 24' 58" W, along the north line of said Parcel 1, a distance of 1.00 feet, to the west line of SE 92nd Street and the Point of Beginning.

Contains 57.8 square feet.

R/W 7172-3 (Temporary Construction Easement)

A portion of Lot 19, *MOUNT SCOTT ACRES*, recorded April 4, 1895, Multnomah County Plat Records, situated in the northeast quarter of Section 21, T1S, R2E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at a point common to the southwest corner of said Lot 19, and the northwest corner of Partition Plat 1990-72, on the east line of SE 92nd Avenue; thence S 88° 24' 58" E, along the south line of said Lot 19, a distance of 1.00 feet; thence N 01° 24' 48" E, parallel with the east line of SE 92nd Avenue, a distance of 4.89 feet; thence N 88° 35' 12" W, a distance of 1.00 feet,

to the west line of SE 92nd Street; thence S 01° 24' 48" W, along the west line of SE 92nd Avenue, a distance of 4.88 feet, to the Point of Beginning.

Contains 4.9 square feet.

R/W 7172-4 (Temporary Construction Easement)

A portion of Lots 15 and 16, Block 291, *COUCH'S ADDITON to the CITY OF PORTLAND*, recorded November 16, 1872, situated in the northwest quarter of Section 33, T1N, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the northwest corner of said Lot 15, Block 291, on the south line of NW Raleigh Street and the east line of NW 21ST Avenue; thence S 00° 03' 17" W, along the east line of NW 21ST Avenue, a distance of 68.59 feet; thence S 89° 57' 17" E, a distance of 1.00 feet; thence N 00° 03' 17" E, parallel with the east line of NW 21st Avenue, a distance of 67.59 feet; thence S 89° 56' 43" E, parallel with the south line of NW Raleigh Street, a distance of 2.90 feet; thence N 00° 03' 17" E, a distance of 1.00 feet, to the south line of NW Raleigh Street; thence N 89° 56' 43" W, along the south line of NW Raleigh Street, a distance of 3.90 feet, to the Point of Beginning.

Contains 71.5 square feet.

R/W 7172-5 (Temporary Construction Easement)

A portion of Lots 1 and 2, Block 296, *COUCH'S ADDITON to the CITY OF PORTLAND*, recorded November 16, 1872, Multnomah County Plat Records, situated in the southwest quarter of Section 28, T1N, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the northeast corner of said Lot 1, Block 296, on the south line of NW Raleigh Street and the west line of NW 21ST Avenue; thence N 89° 56' 43" W, along the south line of NW Raleigh Street, a distance of 10.00 feet; thence S 00° 03' 17" W, a distance of 1.00 feet; thence S 89° 56' 43" E, parallel with the south line of NW Raleigh Street, a distance of 9.00 feet; thence S 00° 03' 17" W, parallel with the west line of NW 21st Avenue, a distance of 49.17 feet; thence N 89° 52' 57" E, 1.00 feet, to the west line of NW 21st Avenue; thence N 00° 03' 17" E, along the west line of NW 21st Avenue, a distance of 50.17 feet, to the Point of Beginning.

Contains 59 square feet.

R/W 7172-6 (Temporary Construction Easement)

A portion of Lots 5 through 9, Block 7, *CASMUR*, recorded March 22, 1909, Multnomah County Plat Records, situated in the southwest quarter of Section 27, T1N, R2E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the northeast corner of said Lot 9, Block 7, *CASMUR*, on the south line of NE Sacramento Street; thence N 88° 09' 53" W, along the north line of NE Sacramento Street, a distance of 113.54 feet; thence S 03° 40' 59" W, a distance of 18.01 feet; thence S 88° 09' 53" E, parallel with the south line of NE Sacramento Street, a distance of 36.63 feet; thence N 01° 54' 43" E, a distance of 13.00 feet; thence S 88° 09' 53" E, parallel with the south line of NE Sacramento Street, a distance of 77.48 feet, to the east line of said Lot 5, Block 7, *CASMUR*; thence N 01° 48' 10" E, along the east line of said Lot 5, a distance of 5.00 feet, to the Point of Beginning.

Contains 1,042 square feet.

R/W 7172-7 (Temporary Construction Easement)

A portion of Lot 18, block 38, *SUNNYSIDE*, recorded June 07, 1888, Multnomah County Plat Records, situated in the northeast quarter of Section 01, T1S, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the northeast corner of said Lot 18, Block 38, on the south line of SE Taylor Street and the west line of SE 34th Avenue; thence N 88° 20' 02" W, along the south line of SE Taylor Street, a distance of 7.00 feet; thence S 01° 39' 58" W, a distance of 1.00 feet; thence S 88° 20' 02" E, parallel with the south line of SE Taylor Street, a distance of 6.00 feet; thence S 01° 39' 58" W, parallel with the west line of SE 34th Avenue, a distance of 4.58 feet; thence S 88° 20' 02" E, a distance of 1.00 feet, to the west line of SE 34th Avenue; thence N 01° 39' 58" E, along the west line of SE 34th Avenue, a distance of 5.58 feet, to the Point of Beginning.

Contains 11.6 square feet.

R/W 7172-8 (Temporary Construction Easement)

A portion of Lot 4, *34TH AND TAYLOR ROWHOUSES*, recorded May 21, 1993, Multnomah County Plat Records, situated in the northeast quarter of Section 01, T1S, R1E, W.M., in the City of Portland, County of Multnomah, and State of Oregon, described as follows:

Beginning at the southeast corner of said Lot 4, on the north line of SE Taylor Street and the west line of SE 34th Avenue; thence N 01° 39' 58" E, along the west line of SE 34th Avenue, a distance of 7.00 feet; thence N 88° 20' 02" W, a distance of 1.00 feet; thence S 01° 39' 58" W, parallel with the west line of SE 34th Avenue, a distance of 6.00 feet; thence N 88° 20' 02" W, parallel with the north line of SE Taylor Street, a distance of 5.83 feet; thence S 01° 39' 58" W, a distance of 1.00 feet, to the north line of SE Taylor Street; thence S 88° 20' 02" E, along the north line of SE Taylor Street, a distance of 6.83 feet, to the Point of Beginning.

Contains 12.8 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.

Faint handwritten notes, possibly "Section 2" and "Emergency"

Faint handwritten initials "A."

Faint handwritten "B.H."

Passed by the Council, FEB 17 2010

Mayor Sam Adams
Prepared by: Marty Maloney, slg
Date Prepared: January 29, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By

Susan Larson

Deputy

Agenda No. **183542**
ORDINANCE NO.
 Title

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<p>INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>K. Billmann on behalf of Mayor Adams</i> COMMISSIONER APPROVAL</p> <p>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>Greg Jones</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 February 17, 2010</p> <p>City Attorney Approval <i>D.H.</i></p>	<p style="text-align: right;">FEB 11 2010</p> <p>CLERK USE: DATE FILED _____</p> <p style="text-align: right;">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"/> 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"/> 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 ✓	