

ORDINANCE No. 184282

*Authorize the Bureau of Transportation to acquire certain temporary easements necessary for construction of the SW Moody Avenue Improvements: SW River Parkway to SW Gibbs Street Project through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The general characteristic of the SW Moody Avenue Improvements Project is to construct approximately 3,200 linear feet of SW Moody Avenue from approximately SW River Parkway to SW Gibbs Street. SW Moody Avenue will include three traffic lanes, dual streetcar tracks, and pedestrian and bicycle facilities. The roadway will be elevated with an additional 14 feet of fill, allowing developers of adjacent brownfields to offer "tuck under parking" without disturbing capped contaminated areas. The elevated street also integrates mixed-use developments with street-level transit facilities, encouraging transit ridership and reducing auto trips. SW Moody Avenue is the main access point to the district. The new construction will increase roadway capacity and introduce urban development standards such as fiber optic, sewer, stormwater and water infrastructure to support future development. Rendering large parcels adjacent to SW Moody Avenue developable and incorporating additional transit modes along SW Moody Avenue will be vital to the economic success of the South Waterfront district. This investment in roadway and streetcar facilities also supports the Portland-Milwaukie Light Rail extension and streetcar extensions including the Close the Loop (connecting eastside and westside streetcar lines) and the Portland to Lake Oswego lines.
2. The SW Moody Avenue Improvements 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 February 1, 2011, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2010-2011 Budget, SAP #T00185.L46

NOW, THEREFORE, the Council directs:

- a. That the Director of the Bureau of Transportation or designee and/or City Attorney are authorized to acquire necessary temporary easements for the SW Moody Avenue

Improvement 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. The Director of the Bureau of Transportation or designee and/or the City Attorney are further authorized to enter into obligations agreements with property owners to address construction management concerns 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 SW Moody Avenue Improvement Project.
- d. The property affected by this ordinance are described as follows:

R/W 7242-03 (Temporary Construction Easement)

A portion of Parcels V and VII as described by Statutory Bargain and Sale Deed to Oregon Health and Science University, a Public Corporation of the State of Oregon, recorded June 30, 2004 as Document No. 2004-118551, Multnomah County Deed Records, located in the South One-Half of Section 3 and the North One-Half of Section 10, Township 1 South, Range 1 East, of the Willamette Meridian, City of Portland, Multnomah County, Oregon, being more particularly described as follows: Beginning at a 5/8 inch iron rod located in the easterly right-of-way line of S.W. Moody Avenue, noted as being Found Monument No. 3002 per Record of Survey recorded as SN 62,708, Multnomah County Survey Records, also being located in the westerly line of Parcel VII of said Document No. 2004-118551; Thence N17°44'53"W, along the said westerly line of Parcel VII, 57.80 feet to the beginning of a 670.20 foot radius non-tangent curve to the right, having a central angle of 8°47'27", the radius point of which bears S73°26'04"E, 670.20 feet; Thence northeasterly along the westerly line of Parcels V and VII of said Document No. 2004-118551 and the arc of said non-tangent curve to the right (the long chord of which bears N20°57'39"E, 102.73 feet) 102.83 feet to the northwesterly line of said Parcel V and the beginning of a 752.20 foot radius non-tangent curve to the left, having a central angle of 7°07'02", the radius point of which bears N22°56'36"W, 752.20 feet; Thence northeasterly along the said northwesterly line and the arc of said non-tangent curve to the left (the long chord of which bears N63°29'53"E, 93.38 feet) 93.44 feet to the beginning of a 36.00 foot offset spiral; Thence continuing northeasterly along said northwesterly line and along said 36.00 foot offset spiral (the long chord of which bears N58°44'08"E, 32.20 feet) to a point; Thence leaving said northwesterly line, S22°19'49"E, 314.18 feet to a point; Thence S67°40'11"W, 160.00 feet to a point; Thence S22°19'49"E, 270.00 feet to a point; Thence S67°40'11"W, 40.00 feet to the westerly line of Parcel VII of said Document No. 2004-118551, also being the easterly right-of-way line of S.W. Moody Avenue; Thence N22°19'49"W, along the said westerly line of Parcel VII, 440.00 feet to the Point of Beginning. Containing 68,819 square feet more or less. This legal description and the basis of bearings thereof, is based upon Record of Survey recorded as SN 62,708, Multnomah County Survey Record.

R/W 7242-4 (Temporary Construction Easement)

A portion of that certain tract of land described in Document Number 2006-039529, Recorded March 3rd, 2006, Multnomah County Deed Records, located in the northeast and northwest one-quarters of Section 10, Township 1 South, Range 1 East, Willamette Meridian, City of Portland, Multnomah County, Oregon, more particularly described as follows: This legal description and the basis of bearings thereof, is based upon Record of Survey recorded as SN 62,708, Multnomah County Survey Records. Commencing at the southeast corner of Lot 4, Block 101, per Plat of "Caruther's Addition", Multnomah County Survey Records; Thence along the east line of said Block 101, North 03°00'55" East, 184.54 feet; Thence North 85°23'52" East, 121.07 feet to the intersection of the southerly right-of-way line of Ross Island Bridge with the easterly right-of-way line of SW Moody Avenue; Thence North 15°19'12" East, 65.95 feet to the intersection of the northerly right-of-way line of said Ross Island Bridge with said easterly right-of-way line of SW Moody Avenue, said point being the Point of Beginning of this description; Thence along said easterly right-of-way line of SW Moody Avenue, from a tangent that bears North 04°29'20" West, along the arc of a 1550.69 foot radius curve to the left, through a central angle of 14°45'19" (the long chord bears North 11°52'00" West, 398.25 feet) an arc distance of 399.35 feet to the northwest corner of said tract of land described in Document Number 2006-039529, Multnomah County Deed Records; Thence along the northerly line of said tract of land described in Document Number 2006-039529, from a tangent that bears North 26°20'06" East, along the arc of a 27.03 foot radius curve to the right, through a central angle of 66°38'50" (the long chord bears North 59°39'31" East, 29.70 feet) an arc distance of 31.44 feet; Thence continuing along said northerly line South 87°01'04" East, 76.37 feet; Thence leaving said line South 12°41'35" West, 167.40 feet to a point on a curve that is 20.00 feet easterly of and parallel with said easterly right-of-way line; Thence, along said parallel curve, from a tangent that bears South 13°12'21" East, along the arc of a 1570.69 foot radius curve to the right, through a central angle of 8°42'55" (the long chord bears 8°50'53" East, 238.69 feet) an arc distance of 238.92 feet to a point on said northerly right-of-way line of Ross Island Bridge; Thence along said right-of-way line South 85°23'52" West, 20.00 feet to said Point of Beginning. Contains 14,975 square feet, more or less. The attached Exhibit "B", entitled "Temporary Construction Easement" is made a part hereof.

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.

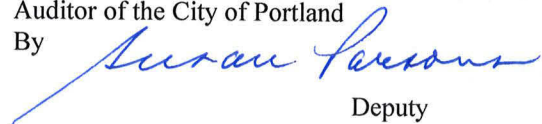
Passed by the Council, **DEC 08 2010**

Mayor Sam Adams
Prepared by: Marty Maloney, slg
Date Prepared: November 22, 2010

LaVonne Griffin-Valade

Auditor of the City of Portland

By

 Deputy

1571

✓140

Agenda No.
ORDINANCE NO. 184282
 Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>R. D. Adams</i>	CLERK USE: DATE FILED DEC 03 2010 <i>on behalf of Mayor Adams</i> LaVonne Griffin-Valade Auditor of the City of Portland
COMMISSIONER APPROVAL	
Mayor—Finance and Administration - Adams	
Position 1/Utilities - Fritz	
Position 2/Works - Fish	
Position 3/Affairs - Saltzman	
Position 4/Safety - Leonard	
BUREAU APPROVAL	
Bureau: Bureau of Transportation	
Group Manager: Greg Jones	
Development & Capital Program	
Other:	
Prepared by: Martin Maloney:slg	
Date Prepared: November 22, 2010	
Financial Impact Statement	
Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/>	
Not Required <input type="checkbox"/>	
Portland Policy Document	
If "Yes" requires City Policy paragraph stated in document.	
Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Council Meeting Date	
December 8, 2010	
City Attorney Approval <i>MRM</i>	
	By: <i>[Signature]</i> Deputy
	ACTION TAKEN:

AGENDA
TIME CERTAIN <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion)
CONSENT <input checked="" type="checkbox"/>
REGULAR <input type="checkbox"/> 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 ✓	