

## ORDINANCE No. 184746

\*Authorize the Bureau of Transportation to acquire certain temporary and permanent easements necessary for construction of the Lents TC: SE Foster Streetscape Project through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The Foster-Woodstock Streetscape Project implements a major piece of the 1999 Lents Town Center Business District Plan, adopted by City Council in 1999 to support commercial revitalization of the Lents Urban Renewal District. Major components of the project include the improvement of approximately 3,000 lineal feet of sidewalk within the business district core to the 1999 plan standard, realign SE 91<sup>st</sup> Avenue at SE Foster Road to improve multi-modal safety, and completely reconstruct SE Ramona Street east of SE 92<sup>nd</sup> Avenue to create a stronger, more inviting connection to the light rail station.
2. The 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 and permanent easements by January 26, 2012, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2011-2012 Budget, SAP #T00045.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 and permanent easements for the Lents TC: SE Foster Streetscape 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 Lents TC: SE Foster Streetscape Project.
- d. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Transportation Fund Budget when demand is presented and approved by the proper authority.
- e. The properties affected by this ordinance are described in, and depicted on the attached Exhibits 1 through 33 and 36 through 44 and their associated exhibits.

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,

**JUL 20 2011**

Mayor Sam Adams  
Prepared by: Marty Maloney:slg  
Date Prepared: June 7, 2011

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By



Deputy

007491

Agenda No. **ORDINANCE NO. 184746**  
Title

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<p><b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR SAM ADAMS</b> <i>LaVonne Griffin-Valade on behalf of Mayor Adams</i></p> <p><b>COMMISSIONER APPROVAL</b></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><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Transportation Group Manager: Greg Jones Development &amp; Capital Program Other: <i>Greg Jones</i></p> <p>Prepared by: Marty Maloney Date Prepared: 5/20/2011 <i>See Walkerberger DM</i></p> <p>Financial Impact &amp; Public Involvement 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 <b>July 20, 2011</b></p> <p><b>City Attorney Approval</b> <i>D.H.</i></p>	<p>CLERK USE: DATE FILED <u>JUL 15 2011</u></p> <p>LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <i>[Signature]</i> Deputy</p> <p><b>ACTION TAKEN:</b></p>
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**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	<input checked="" type="checkbox"/>	
2. Fish	2. Fish	<input checked="" type="checkbox"/>	
3. Saltzman	3. Saltzman	<input checked="" type="checkbox"/>	
4. Leonard	4. Leonard	<input checked="" type="checkbox"/>	
Adams	Adams	<input type="checkbox"/>	<input type="checkbox"/>