

ORDINANCE No. 185110

*Authorize Intergovernmental Agreement with Oregon Department of Transportation and Metro to acquire permanent and temporary easements necessary for construction of the Pier Park – Chimney Park Bridge Project through 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 Parks and Recreation has initiated the Pier Park – Chimney Park Bridge Project that will close a key gap in the “40 Mile Loop” Regional Trail and Willamette Greenway Trail. The project includes the design and construction of an approximately 120’ bicycle/pedestrian bridge connecting Pier Park and Chimney Park in north Portland near Columbia Boulevard. The bridge will provide a neighborhood connection for bicyclists and pedestrians to access Chimney Park that until this time has only been accessible by automobile.
2. The Pier Park – Chimney Park Bridge Project requires acquisition of an aerial easement over the Union Pacific Railroad to implement the engineering and construction requirements of the project.
3. If acquisition of the easement cannot be accomplished on a willing seller basis, 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. Funds are available for this activity in the ODOT project budget.

NOW, THEREFORE, The Council Directs:

- a. That the Commissioner-in-Charge and Auditor are authorized to enter into a contract with Oregon Department of Transportation and Metro to acquire necessary easements for the Pier Park – Chimney Park Bridge Project under the Eminent Domain Authority of the City. Authorization is also given to file actions 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 Pier Park – Chimney Park Bridge Project ODOT project budget.
- d. The property affected by this ordinance are described as follows:

Parcel 1: Permanent Easement for Highway Right of Way Purposes

A parcel of land lying between Tax Lot 500 of Section 36C, T 2 N, R 1 W, W.M. and

Lot 100 Section 1, T1n, R1W, W.M., Multnomah County, Oregon and being a portion of that Union Pacific Railroad Company (formerly known as Oregon-Washington Railroad and Navigation Company) right of way and property, varying in width, being that property described in that Indenture by and between Oregon-Washington Railroad & Navigation Company, and the Union Pacific Railroad Company, said Indenture recorded September 28, 1966 in Volume 528, Page 485, Deed Records of Multnomah County; the said parcel being that portion of said property included in a strip of land 50 feet in width : Beginning at a point opposite and Northerly 59.71 feet of Engineers Station 361+22.70 on the center line of the Union Pacific Railroad Company; thence Easterly along the Northerly right of way of said right of way to a point opposite and Northerly 54.91 feet of Engineers Station 361+73.63 on said center line; thence in a straight line to a point opposite and 50.00 feet Southerly of Engineers Station 361+66.66 on said center line; thence along the Southerly right of way to a point opposite and Southerly 50.00 feet of Engineers Station 361+17.49 on said center line, which center line is described as follows:

Beginning at Engineer's center line station 351+26.20, said station being South $10^{\circ}53'22''$ West 2962.83 feet from the Northeast corner of the James Loomis Donation Land Claim Number 55, Township 2 North, Range 1 West, W.M.; thence easterly along a 330.00 foot spiral curve left (the long chord of which bears South $62^{\circ}25'43''$ East 329.56 feet); thence on a 954.93 feet radius curve left (the long chord of which bears South $83^{\circ}11'39''$ East 467.36 feet) 472.16 feet; thence along a 330.00 foot spiral curve to the left (the long chord of which bears North $76^{\circ}02'25''$ East 329.56 feet); thence North $72^{\circ}44'28''$ East 97.22 feet; thence on a 330.00 foot spiral curve right (the long chord of which bears North $74^{\circ}23'28''$ East 329.89 feet); thence on a 1909.86 feet radius curve right (the long chord of which bears North $88^{\circ}03'58''$ East 687.89 feet) 691.67 feet; thence along a 330.00 foot spiral curve to the right (the long chord of which bears South $78^{\circ}15'31''$ East 329.89 feet) to Engineers station 377+07.30.

This parcel of land contains 5374 square feet, more or less

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Section 2. The Council declares that an emergency exists in order to avoid further delay in the execution of this agreement as it will adversely affect the project schedule; therefore, this Ordinance shall be in force and effect from and after its passage by Council.

Passed by the Council: **JAN 18 2012**
Commissioner Fish
Prepared by: Susan Meamber
January 3, 2012

LaVonne Griffin-Valade
Auditor of the City of Portland

By *Gayla Jennings*
Deputy

Agenda No. **ORDINANCE NO. 185110**

Title

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<p style="text-align: center;">INTRODUCED BY Commissioner/Auditor: FISH</p>	<p>CLERK USE: DATE FILED <u>JAN 12 2012</u></p>
<p style="text-align: center;">COMMISSIONER APPROVAL</p> <p>Mayor—Finance and Administration - Adams</p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish <i>[Signature]</i></p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Leonard</p>	<p style="text-align: center;">LaVonne Griffin-Valade Auditor of the City of Portland</p> <p>By: <u><i>[Signature]</i></u> Deputy</p>
<p style="text-align: center;">BUREAU APPROVAL</p> <p>Bureau: Parks and Recreation Bureau Head: Mike Abbate <i>[Signature]</i></p> <p>Prepared by: Susan Meamber Date Prepared: January 3, 2012</p> <p>Financial Impact & Public Involvement Statement Completed <input checked="" type="checkbox"/> Amends Budget <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 18, 2012</p>	
<p>City Attorney Approval</p>	<p>ACTION TAKEN:</p>

<p style="text-align: center;">AGENDA</p>
<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	_____	