

## ORDINANCE No. 185230

\*Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the NE Alberta Street Phase I Local Improvement District Project through the exercise of the City's Eminent Domain Authority (Ordinance; C-10037)

The City of Portland ordains:

### Section 1. The Council finds:

1. The general character and scope of the project is to remove the existing dirt, gravel and/or hard surface; grade streets to their proper subgrade; construct an asphaltic concrete street with an aggregate base with a half-street minimum width of 20 feet and/or a full-street maximum width of 28 feet unless a different width is determined to be necessary by the City Engineer; construct stormwater drainage facilities primarily consisting of swales; construct sidewalk, and plant street trees in most locations.
2. The Project requires acquisition of certain private property interests to construct 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 easements by June 1, 2012, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2011-2012 Budget, SAP #T00241.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 permanent and temporary easements for the NE Alberta Street Phase I Local Improvement District 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 NE Alberta Street Phase I Local Improvement District.
- 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 4 with 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.

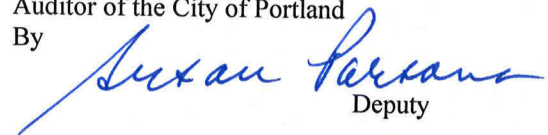
Passed by the Council, MAR 28 2012

Mayor Sam Adams  
Prepared by: Marty Maloney, slg  
Date Prepared: March 12, 2012

**LAVONNE GRIFFIN-VALADE**

Auditor of the City of Portland

By

  
Deputy

Agenda No. **185230**  
**ORDINANCE NO.**  
 Title

\* Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the NE Alberta Street Phase I Local Improvement District Project through the exercise of the City's Eminent Domain Authority (Ordinance; C-10037)

<p align="center"><b>INTRODUCED BY</b>          Commissioner/Auditor:  <b>MAYOR SAM ADAMS</b>  <i>K. Salzman on behalf of Mayor Adams</i>  <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 align="center"><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Transportation          Group Manager: Greg Jones          Development &amp; Capital Program          Other: <i>cytr</i></p> <p>Prepared by: Marty Maloney:slg          Date Prepared: March 13, 2012  <i>See Dave McElowney</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          March 28, 2012</p> <p>City Attorney Approval <i>[Signature]</i></p>	<p>CLERK USE: DATE FILED <u>MAR 23 2012</u></p> <p 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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<b>AGENDA</b>
<p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p>Total amount of time needed: _____          (for presentation, testimony and discussion)</p>
<p><b>CONSENT</b> <input checked="" type="checkbox"/></p>
<p><b>REGULAR</b> <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	<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 checked="" type="checkbox"/>	