

ORDINANCE No. 185479

*Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the SE 122nd Ave: SE Holgate St – SE Ramona St Sidewalk Infill 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 character and scope of this multi-modal project are providing sidewalks on 122nd Avenue, improving crossings, access to transit, safety, accessibility and to leverage these transportation investments to stimulate economic development and private investments in the corridor. The project will build approximately one mile of sidewalk, fill in missing gaps of sidewalk and widen existing narrow, substandard sidewalks. It will also enhance pedestrian & bicycle crossing at SE Schiller and SE Raymond, which may include median refuge islands, ped/bike – activated beacons and/or curb extensions.
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 April 1, 2013, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2012-2013 Budget, SAP #T00279.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 SE 122nd Ave: SE Holgate St – SE Ramona St Sidewalk Infill 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.

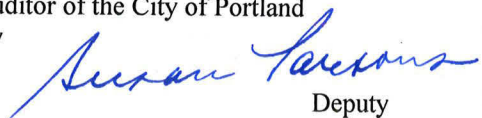
- c. The costs incurred in connection with the acquisition authorized herein shall be charged to the SE 122nd Ave. SE Holgate St – SE Ramona St Sidewalk Infill Project.
- d. The Mayor and Auditor are hereby authorized to draw and deliver warrants chargeable to the Transportation Fund Budget when demand 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 80 with their associated exhibits.

Section 2. The Council declares that an emergency exists because delay in property acquisition 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 11 2012

Mayor Sam Adams
Prepared by: Marty Maloney
Date Prepared: June 26, 2012
R/W #7476

LaVonne Griffin-Valade
Auditor of the City of Portland
By


Deputy

051281

Agenda No.
ORDINANCE NO. 185479
Title

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INTRODUCED BY Commissioner/Auditor: MAYOR SAM ADAMS <i>L. D. Griffin on behalf of Mayor Adams</i>	CLERK USE: DATE FILED <u>JUL 06 2012</u>
COMMISSIONER APPROVAL	LaVonne Griffin-Valade Auditor of the City of Portland
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: Marty Maloney:slg Date Prepared: June 26, 2012	
Financial Impact & Public Involvement 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 July 11, 2012	
City Attorney Approval <i>CF</i>	

ACTION TAKEN:

See A. Walpole on behalf of Dave McElmurray

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	<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"/>	