

## ORDINANCE No. 185512

\*Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the SW Multnomah Blvd Bike/Pedestrian Improvement Project through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

### Section 1. The Council finds:

1. The SW Multnomah Blvd. Bike/Pedestrian Improvement project will construct sidewalk and bicycle improvements on SW Multnomah Blvd between SW 22nd Ave and SW 34th Ave.
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 November 1, 2012, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2012-2013 Budget, SAP #T00245.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 SW Multnomah Blvd Bike/Pedestrian 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 Multnomah Blvd Bike/Pedestrian Improvement 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 16 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 25 2012

Mayor Sam Adams  
Prepared by: Marty Maloney:slg  
Date Prepared: July 10, 2012  
R/W #7252

**LaVonne Griffin-Valade**

Auditor of the City of Portland

By *Gayla Jennings*

Deputy

Agenda No. **185512**  
**ORDINANCE NO.**  
 Title

\*Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the SW Multnomah Blvd Bike/Pedestrian Improvement Project through the exercise of the City's Eminent Domain Authority (Ordinance)

<b>INTRODUCED BY</b> Commissioner/Auditor: <b>MAYOR SAM ADAMS</b> <i>K. Saltzman on behalf of Mayor Adams</i> <b>COMMISSIONER APPROVAL</b> Mayor—Finance and Administration - Adams Position 1/Utilities - Fritz Position 2/Works - Fish Position 3/Affairs - Saltzman Position 4/Safety - Leonard <b>BUREAU APPROVAL</b> Bureau: Bureau of Transportation Group Manager: Greg Jones Development & Capital Program Other: Prepared by: Marty Maloney: slg Date Prepared: July 10, 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 25, 2012 <b>City Attorney Approval</b>	CLERK USE: DATE FILED <b>JUL 20 2012</b> LaVonne Griffin-Valade Auditor of the City of Portland By: <i>[Signature]</i> Deputy <b>ACTION TAKEN:</b>
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<b>AGENDA</b> <b>TIME CERTAIN</b> <input type="checkbox"/> Start time: _____ Total amount of time needed: _____ (for presentation, testimony and discussion) <b>CONSENT</b> <input checked="" type="checkbox"/> <b>REGULAR</b> <input type="checkbox"/> Total amount of time needed: _____ (for presentation, testimony and discussion)
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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	✓	