

**ORDINANCE No. 185513**

\*Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the NE/SE 50's Bikeway: Woodstock-Thompson Project through the exercise of the City's Eminent Domain Authority (Ordinance)

The City of Portland ordains:

Section 1. The Council finds:

1. The NE/SE 50's Bikeway: Woodstock-Thompson project will construct bikeway improvements consistent with the Bicycle Master Plan for 2030 which begins on SE Woodstock and travels down portions of SE 52nd Ave, NE 53<sup>rd</sup> and NE 57th Ave and ends at NE Sacramento Street.
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 December 1, 2012, so that construction can begin on schedule.
5. Funds are available in the Transportation Operating Fund, FY 2012-2013 Budget, SAP #T00121.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/SE 50's Bikeway: Woodstock-Thompson 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/SE 50's Bikeway: Woodstock-Thompson Project.

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- 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 5 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 9, 2012  
R/W #7482

**LaVonne Griffin-Valade**  
Auditor of the City of Portland

By *Gayla Jennings*  
Deputy

Agenda No. **185513**  
**ORDINANCE NO.**  
 Title

\*Authorize the Bureau of Transportation to acquire certain permanent and temporary easements necessary for construction of the NE/SE 50's Bikeway: Woodstock-Thompson Project through the exercise of the City's Eminent Domain Authority (Ordinance)

<p style="text-align: center;"><b>INTRODUCED BY</b>                  Commissioner/Auditor:  <b>MAYOR SAM ADAMS</b>  <i>K. Bill Brown on behalf of Mayor Adams</i></p> <p style="text-align: center;"><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 style="text-align: center;"><b>BUREAU APPROVAL</b></p> <p>Bureau: Bureau of Transportation                  Group Manager: Greg Jones                  Development &amp; Capital Program</p> <p>Other: <i>[Signatures]</i></p> <p>Prepared by: Marty Maloney: sig                  Date Prepared: July 9, 2012</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                  July 25, 2012 <i>[Signature]</i></p> <p><b>City Attorney Approval</b></p>	<p>CLERK USE: DATE FILED <u>JUL 20 2012</u></p> <p style="text-align: right;">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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<p style="text-align: center;"><b>AGENDA</b></p> <p><b>TIME CERTAIN</b> <input type="checkbox"/></p> <p>Start time: _____</p> <p><b>Total amount of time needed:</b> _____                  (for presentation, testimony and discussion)</p> <p><b>CONSENT</b> <input checked="" type="checkbox"/></p> <p><b>REGULAR</b> <input type="checkbox"/></p> <p><b>Total amount of time needed:</b> _____                  (for presentation, testimony and discussion)</p>
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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	✓	